

MAINE STATE LEGISLATURE

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R. of S.

L.D. 2099

(Filing No. S-550)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 823, L.D. 2099, Bill, "An Act to Clarify the Maine Juvenile Code"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 15 MRSA §3102, as enacted by PL 1977, c. 520, §1, is amended to read:

§3102. Venue

Proceedings in cases brought under the provisions of section 3101 shall must be commenced in accordance with ~~Rules-18,~~ Rule 21 and ~~--22~~ of the Maine ~~District-Court~~ Rules of Criminal Rules Procedure.'

Further amend the bill in section 5 in paragraph D in subparagraph (2) in the 2nd and 3rd lines (page 3, lines 19 and 20 in L.D.) by striking out the following: "by drugs or alcohol"

Further amend the bill in section 5 in paragraph D in subparagraph (5) in the last line (page 3, line 36 in L.D.) by striking out the following: "or" and inserting in its place the following: 'or'

Further amend the bill in section 5 in paragraph D in subparagraph (6) in the last line (page 3, line 41 in L.D.) by striking out the following: "; or" and inserting in its place the following: '.'

Further amend the bill in section 5 in paragraph D by striking out all of subparagraph (7)

Further amend the bill in section 7 in paragraph A in the last 3 lines (page 4, lines 27 to 29 in L.D.) by striking out the

COMMITTEE AMENDMENT " A " to S.P. 823, L.D. 2099

underlined sentence and inserting in its place the following:
2 'Evidence presented at a detention hearing may include testimony,
3 affidavits and other reliable hearsay evidence as permitted by
4 the court and may be considered in making any determination in
5 that hearing.'

6
7 Further amend the bill by inserting after section 9 the
8 following:

9
10 **'Sec. 10. 15 MRSA §3302, as enacted by PL 1977, c. 520, §1,**
11 **is amended to read:**

12 **§3302. Petition, form and contents**

13
14 The form and content of a petition in any proceeding brought
15 under chapter 503 shall must be substantially the same as the
16 form and content of a complaint under Rule 3, Maine District
17 Court Rules of Criminal Rules Procedure.

18
19 **Sec. 11. 15 MRSA §3304, sub-§3, as amended by PL 1979, c. 681,**
20 **§16, is further amended to read:**

21
22 **3. Service.** The summons shall must be directed to and
23 shall-be served, pursuant to Rule 4 (c) of the Maine District
24 Court Rules of Criminal Rules Procedure, upon the following
25 persons:

26
27 A. The juvenile; and

28
29 B. The juvenile's parents, guardian or legal custodian, if
30 the juvenile is not emancipated. Service upon a parent,
31 guardian or legal custodian who is out of state may be by a
32 reasonable method ordered by the court.

33
34 **Sec. 12. 15 MRSA §3304, sub-§5, as amended by PL 1987, c. 720,**
35 **§1, is repealed and the following enacted in its place:**

36
37 **5. Service on parents of juvenile.** The following applies
38 to service of the summons under subsection 3.

39
40 A. If the person or persons to whom a summons is served are
41 the parents of the juvenile and if the juvenile principally
42 resides with only one parent, then service on that parent is
43 sufficient.

44
45 B. If the person or persons to whom a summons is served are
46 not the parents or guardian of the juvenile, the summons
47 must also be issued to the parents or guardian or both,
48 notifying them of the pendency of the cause and of the time
49 and place for hearing. The court may waive this requirement
50

2 if the court finds that the service of the summons is not
3 possible and explains this finding in writing, except as
4 required by section 3314, subsection 1, paragraph C-1 or C-2.

5 **Sec. 13. 15 MRSA §3305, first ¶**, as enacted by PL 1977, c. 520,
6 §1, is amended to read:

7 ~~No~~ An answer to a petition need ~~not~~ be entered by a juvenile
8 or by the juvenile's parents, guardian or legal custodian. A
9 juvenile may enter an answer admitting the allegations of the
10 petition, in accordance with Rule ~~Rules~~ 11 and 11A, Maine Rules
11 of Criminal Procedure.'

12 Further amend the bill by inserting at the end before the
13 statement of fact the following:

14 **Sec. 11. 15 MRSA §3309**, as repealed and replaced by PL 1979,
15 c. 512, §5, is amended to read:

16 **§3309. Procedure**

17 To the extent not inconsistent with or inapplicable to Part
18 6, procedure in juvenile proceedings shall must be in accordance
19 with the Maine ~~District-Court~~ Rules of Criminal Rules Procedure.
20 The Supreme Judicial Court may promulgate rules for juvenile
21 proceedings as provided under Title 4, section 8.'

22 Further amend the bill by renumbering the sections to read
23 consecutively.

24 **STATEMENT OF FACT**

25 This amendment clarifies that a juvenile can be detained on
26 order of the court or a juvenile caseworker if the juvenile is
27 incapacitated for any reason to such an extent that the juvenile
28 is incapable of understanding, agreeing to or carrying out the
29 conditions of a conditional release placement. The bill's
30 language limited the detention authority to only those situations
31 in which the juvenile is incapacitated by drugs and alcohol.

32 This amendment strikes out the subparagraph establishing as
33 a detention criterion the commission of a Class D crime of
34 violence against family or household members. Although domestic
35 violence involving juvenile offenders is a growing problem, the
36 proposed change would not appropriately and adequately address
37 the problem.

38 This amendment revises references to the District Court
39 Criminal Rules and the Maine Rules of Criminal Procedure to
40 incorporate changes made recently in the rules.

