

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 885

S.P. 329

In Senate, February 28, 1991

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Joint Select Committee on Corrections suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GILL of Cumberland
Cosponsored by Senator BUSTIN of Kennebec, Representative PENDLETON of
Scarborough and Representative BAILEY of Farmington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Establish a Northern Maine Regional Juvenile Detention
Facility.**



2 Be it enacted by the People of the State of Maine as follows:

4 34-A MRSA c. 3, sub-c. VIII is enacted to read:

6 SUBCHAPTER VIII

8 NORTHERN MAINE REGIONAL JUVENILE DETENTION FACILITY

10 §4101. Establishment

12 There is established the Northern Maine Regional Juvenile Detention Facility located in Penobscot County.

14 §4102. Purposes

16 The purposes of the Northern Maine Regional Juvenile Detention Facility are:

18 1. Detention. To detain juveniles prior to juvenile court
20 appearances when a court orders that the juvenile be securely
22 detained;

24 2. Diagnostic evaluation. To administer court-ordered
26 diagnostic evaluations pursuant to Title 15, section 3309-A and
28 court-ordered examinations pursuant to Title 15, section 3318; and

30 3. Confinement. To confine juveniles ordered detained
32 pursuant to Title 15, section 3314, subsection 1, paragraph H.

34 §4103. Director

36 1. Chief administrative officer. The chief administrative
38 officer of the Northern Maine Regional Juvenile Detention
40 Facility is called the director and is responsible to the
42 commissioner.

44 2. Duties. In addition to other duties set out in this
46 Title, the director has the following duties.

48 A. The director shall exercise supervision over the
50 employees, grounds, buildings and equipment at the Northern
52 Maine Regional Juvenile Detention Facility.

54 B. The director shall supervise and control the juvenile
detainees at the Northern Maine Regional Juvenile Detention
Facility in accordance with department rules.

3. Powers. In addition to the powers granted in this
Title, the director may appoint one assistant director, subject
to the Civil Service Law. The assistant director has the powers,
duties, obligations and liabilities of the director when the
director is absent or unable to perform the director's duties.

§4104. Detention

2 1. Eligibility. Only a juvenile, as defined in Title 15,
4 section 3003, subsection 14, who is 11 years of age or older at
6 the time of detention may be detained at the Northern Maine
 Regional Juvenile Detention Facility pursuant to this subchapter
 and Title 15, Part 6.

8 2. Limitations. No person may be detained at the Northern
10 Maine Regional Juvenile Detention Facility who is blind or who is
12 a proper subject for any state institution administered by the
 Department of Mental Health and Mental Retardation.

14 3. Certification. When a person is detained at the
16 Northern Maine Regional Juvenile Detention Facility, the court
 ordering the detention shall certify on the mittimus the person's
 birthplace, parentage and legal residence.

18 **§4105. Juvenile detainees generally**

20 All juvenile detainees at the Northern Maine Regional
22 Juvenile Detention Facility must be detained in accordance with
 the orders of the court and the rules of the department.

24 **§4106. Powers of employees**

26 Employees of the Northern Maine Regional Juvenile Detention
28 Facility have the same power as sheriffs in their respective
30 counties to search for and apprehend escapees from the facility,
 when authorized to do so by the director.

32 **§4107. Transportation**

34 All court-ordered transportation of juvenile detainees to
 and from the Northern Maine Regional Juvenile Detention Facility
36 is the responsibility of a sheriff.

38 **§4108. Seclusion**

40 1. Generally. When the behavior of a juvenile residing at
42 the Northern Maine Regional Juvenile Detention Facility presents
44 a high likelihood of harm to that juvenile or to others, presents
46 a substantial and imminent threat of destruction of property or
 demonstrates a proclivity to be absent from the facility without
 leave, the juvenile may be placed in seclusion if the juvenile
 demonstrates that anything less restrictive is ineffectual for
 the control of the juvenile's behavior.

48 2. Conditions. The use of seclusion is subject to the
50 following conditions.

52 A. The use of seclusion must first be approved by the
 director.

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B. The juvenile must be provided with a sufficient quantity of wholesome and nutritious food.

C. Adequate sanitary and other conditions required for the health of the juvenile must be maintained.

D. The use of seclusion may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1.

E. When seclusion exceeds 12 hours, the director shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately, and at least one time in each succeeding 24-hour period the juvenile remains in seclusion, to examine the juvenile's state of health.

(1) The director shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the director shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Use of seclusion must be discontinued if the director on the advice of a physician determines that seclusion is harmful to the mental or physical health of the juvenile. Seclusion may be continued if the behavior of the juvenile presents a high likelihood of physical harm to that juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured.

F. Seclusion may not exceed 72 hours without the commissioner's approval, which must:

- (1) Be in writing;
- (2) State the reasons for that approval; and
- (3) Be kept on file.

G. If the recommendations of the physician or medical staff member regarding the juvenile's dietary or other health needs while in seclusion are not carried out, the director shall send a written justification to the commissioner.

STATEMENT OF FACT

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This bill puts into place statutory provisions necessitated by the bond issue giving the Department of Corrections the funds to establish a regional juvenile detention facility to serve northern Maine youth.