

MAINE STATE LEGISLATURE

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L.D. 1489

(Filing No. S-169)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 569, L.D. 1489, Bill, "An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A"

Amend the bill in section 29 in the first paragraph in the 2nd line (page 8, line 26 in L.D.) by striking out the following: "~~correctional~~" and inserting in its place the following: 'correctional or detention'

Further amend the bill in section 30 in the first paragraph in the first line (page 8, line 35 in L.D.) by striking out the following: "~~correctional~~" and inserting in its place the following: 'correctional or detention'

Further amend the bill in section 31 in subsection 1 in the first line (page 8, line 45 in L.D.) by striking out the following: "~~correctional~~" and inserting in its place the following: 'correctional or detention'

Further amend the bill in section 32 in subsection 2 in the 2nd line (page 9, line 10 in L.D.) by striking out the following: "~~correctional~~" and inserting in its place the following: 'correctional or detention'

Further amend the bill in section 32 in subsection 2 in paragraph B in the 3rd line (page 9, line 25 in L.D.) by striking out the following: "~~correctional~~" and inserting in its place the following: 'correctional or detention'

Further amend the bill in section 37 in paragraph B in the 2nd and 3rd lines (page 10, lines 35 and 36 in L.D.) by striking out the following: "seclusion, in accordance with section 3809," and inserting in its place the following: 'seclusion,--in accordance-with-section-3809,'

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COMMITTEE AMENDMENT "A" to S.P. 569, L.D. 1489

Further amend the bill by striking out all of sections 64 to 66 and inserting in their place the following:

'Sec. 64. 34-A MRSA §3809, as amended by PL 1983, c. 581, §§50 and 59, is repealed and the following enacted in its place:

§3809. Observation

1. Generally. When the behavior of a juvenile residing at the Maine Youth Center presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or actual escape from any detention or correctional facility, the juvenile may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.

2. Conditions. Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the superintendent.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in correctional facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the superintendent shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The superintendent 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 superintendent shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

2 (2) Placement under observation must be discontinued
 4 if the superintendent on the advice of the physician
 6 determines that placement under observation is harmful
 8 to the mental or physical health of the juvenile,
 10 except that placement under observation may be
 12 continued if the behavior of the juvenile presents a
 14 high likelihood of imminent 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. If placement under observation
 is continued, the physician or a member of the medical
 staff shall visit the juvenile at least once every 12
 hours.

16 E. When placement under observation exceeds 24 hours, the
 18 superintendent shall direct appropriate facility staff to
 20 develop a plan for the further care of the juvenile. The
 plan must be revised as needed to meet the changing needs of
 the juvenile.

22 F. Placement under observation may not exceed 72 hours
 without the commissioner's approval, which must:

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

30 G. If the recommendations of the physician or medical staff
 32 member regarding the juvenile's dietary or other health
 34 needs while under observation are not carried out, the
 superintendent shall send a written justification to the
 commissioner.

36 H. A juvenile held under observation must be under constant
 38 sight and sound supervision by facility staff.

40 Sec. 65. 34-A MRSA §3814 is enacted to read:

42 §3814. Transportation

44 All court-ordered and court-related transportation of
 46 juvenile detainees to and from the Maine Youth Center is the
 responsibility of the sheriff of the county in which the court is
 located.'

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COMMITTEE AMENDMENT "A" to S.P. 569, L.D. 1489

STATEMENT OF FACT

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This amendment corrects inconsistencies in the original bill's language, amends sections of the bill regarding the placement of juveniles under observation and clarifies a sheriff's responsibility to transport juveniles to and from the Maine Youth Center.

Reported by Senator Bustin of the Joint Select Committee on Corrections. Reproduced and Distributed Pursuant to Senate Rule 12.
(5/17/91) (Filing No. S-169)