

MAINE STATE LEGISLATURE

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10 of 10

COMMITTEE AMENDMENT

L.D. 1541

(Filing No. S-267)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 588, L.D. 1541, Bill, "An Act to Clarify the Maine Juvenile Code"

Amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 15 MRSA §3003, sub-§26, as amended by PL 1989, c. 925, §2, is further amended to read:

26. ~~Temporary holding resource.~~ "Temporary holding resource" means an area not in a jail, ~~consisting of not more than 2 rooms, with a capacity to serve no more than 4 juveniles, which or other secure detention facility intended or primarily used for the detention of adults that~~ may be used to provide secure ~~or nonsecure~~ supervision for a juvenile for a period not to exceed 48 72 hours, excluding Saturday, Sunday and legal holidays, pending the completion of a procedure authorized by law to be taken in regard to a juvenile. ~~The level of security~~ Security is provided is dependent on the intensity of by intense personal supervision employed rather than ~~on~~ by the physical characteristics of the facility.'

Further amend the bill in section 7 in the last paragraph in the last line (page 3, line 48 in L.D.) by striking out the following: "necessary" and inserting in its place the following: 'determined necessary by the juvenile caseworker'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. 15 MRSA §3203-A, sub-§4, ¶D, as amended by PL 1989, c. 741, §6, is further amended to read:

D. Detention of a juvenile in a detention facility may be ordered by the Juvenile Court or a juvenile caseworker when there is probable cause to believe the juvenile:

2 (1) Has committed an act which would be murder or a
4 Class A, Class B or Class C crime if committed by an
adult;

6 (2) Has refused to participate voluntarily in a
8 conditional release placement or is incapacitated to
the extent of being incapable of participating in a
conditional release placement;

10 (3) Has intentionally or knowingly violated a
12 condition imposed as part of conditional release on a
pending offense or has committed an offense subsequent
14 to that release, which would be a crime if committed by
an adult;

16 (4) Has committed the juvenile crime that would be
18 escape if the juvenile was an adult;

20 (5) Has escaped from a facility to which the juvenile
22 had been committed pursuant to an order of adjudication
or is absent without authorization from a prior
24 placement by a juvenile caseworker or the Juvenile
Court; or

26 (6) Has a prior record of failure to appear in court
28 when so ordered or summonsed by a law enforcement
officer, juvenile caseworker or the court or has stated
the intent not to appear.

30
32 Nonetheless, when, in the judgment of the juvenile
caseworker or the Juvenile Court, it is not necessary or
34 appropriate to detain a juvenile who satisfies the criteria
for detention, the juvenile caseworker or the Juvenile Court
36 may order the placement of the juvenile in the juvenile's
home or in an alternative facility or service, such as a
38 ~~temporary-holding-resource~~, group home, emergency shelter,
foster placement or attendant care, subject to specific
40 conditions, including supervision by a juvenile caseworker
or a designated supervisor. Such a placement shall-be is
42 considered a conditional release.

44 In no case may detention be ordered when either
unconditional or conditional release is appropriate.'

46 Further amend the bill by inserting after section 11 the
following:

2 'Sec. 12. 15 MRSA §3203-A, sub-§7, ¶B-2 is enacted to read:

4 B-2. Notwithstanding any other provision of law, until
6 September 30, 1993, a juvenile may be detained in the
8 Androscoggin County Jail, as long as the juvenile is
10 detained in a separate juvenile section approved by the
federal Office of Juvenile Justice and Delinquency
Prevention and in compliance with paragraph A of this
subsection.'

12 Further amend the bill by renumbering the sections to read
14 consecutively.

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

18 **FISCAL NOTE**

20 This bill clarifies certain sections of the Maine Juvenile
22 Code. The additional work load and administrative costs
24 associated with application of the provisions of the Maine
Juvenile Code will be absorbed within the budgeted resources of
the affected state departments.

26 **STATEMENT OF FACT**

28 This amendment makes 3 changes to clarify the term
30 "temporary holding resource" and its use in the Maine Juvenile
Code. The term is limited to a situation of secure supervision.
32 In contrast, the term "attendant care" is used for the situation
of nonsecure supervision.

34 This amendment, in recognition of the reality that there
36 will be no regional juvenile detention facilities ready for
operation until well into 1993, adds a new paragraph to allow
38 juveniles to be detained in a separate juvenile section of the
Androscoggin County Jail until September 30, 1993. The separate
40 juvenile section must be approved under federal and state laws.

42 This amendment also adds a fiscal note to the bill.

Reported by Senator Holloway for the Committee on Judiciary.
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