

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2396

S.P. 937

In Senate, March 2, 1992

Reference to the Committee on Judiciary 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 (GOVERNOR'S BILL).

Cosponsored by Senator BUSTIN of Kennebec, Representative MANNING of Portland and Representative HEPBURN of Skowhegan.

STATE OF MAINE

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

An Act to Clarify the Maine Juvenile Code.



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

2
4 **Sec. 1. 15 MRSA §3307, sub-§1-A**, as amended by PL 1991, c.
493, §19, is further amended to read:

6 **1-A. Release of identity.** No law enforcement officer,
8 officer of the court or juvenile caseworker may release the
10 identity of any juvenile until a petition is filed charging the
12 juvenile with a juvenile crime described in subsection 2. This
14 section does not preclude the release of the identity of a
16 juvenile to a complainant or victim if a juvenile caseworker
18 decides not to file a petition in accordance with section 3301,
20 subsection 5, paragraph A or B or if the juvenile caseworker
22 requests the prosecuting attorney to file a petition in
24 accordance with section 3301, subsection 5, paragraph C.

26 **Sec. 2. 15 MRSA §3314, sub-§1, ¶H**, as amended by PL 1991, c.
28 493, §23 and affected by §28, is further amended to read:

30 H. The court may commit the juvenile to the Maine Youth
32 Center and order that the disposition be suspended or may
34 commit the juvenile for a period of detention that may not
36 exceed 30 days, with or without an underlying suspended
38 disposition to the Maine Youth Center, which detention may
40 be served intermittently as the court may order and must be
42 ordered served in a detention facility approved or operated
44 by the Department of Corrections exclusively for juveniles
46 but may not be ordered served in the Maine Youth Center. The
48 court may order such a disposition to be served as a part of
50 and with a period of probation, which is subject to such
provisions of Title 17-A, section 1204 as the court may
order and which must be administered pursuant to Title 34-A,
chapter 5, subchapter IV. Revocation of probation is
governed by the procedure contained in subsection 2. Any
disposition under this paragraph is subject to Title 17-A,
section 1253, subsection 2, but not to Title 17-A, section
1253, subsection 3-B, 4 or 5. Any disposition under this
paragraph ordering a period of detention to be served in a
county-operated detention facility by a juvenile from
another county is governed by section 1705.

42 **Sec. 3. 15 MRSA §3314, sub-§3**, as repealed and replaced by PL
44 1989, c. 599, §8, is amended to read:

46 **3. Disposition for violation of section 3103, subsection 1,**
48 **paragraph E or F.** When a juvenile has been adjudicated as having
50 committed the juvenile crime under section 3103, subsection 1,
paragraph E or F, the court may impose any of the dispositional
alternatives contained in subsection 1. Any incarceration ~~which~~
that is imposed may be part of a disposition pursuant to

2 subsection 1, paragraph F or H. Any incarceration in a county
3 ~~jail shall~~ detention facility must be in a county-jail facility
4 ~~designated by the Department of Corrections as a place for the~~
~~secure detention of juveniles~~ in subsection 1, paragraph H.

6 A. For an adjudication under section 3103, subsection 1,
7 paragraph F, the juvenile's license or permit to operate a
8 motor vehicle, right to operate a motor vehicle or right to
9 apply for or obtain a license shall must be suspended by the
10 court for a period of 180 days. The period of suspension
11 shall may not be suspended by the court. The court shall
12 give notice of the suspension and take physical custody of
13 an operator's license or permit as provided in Title 29,
14 section 2241-H. The court shall immediately transmit a
15 certified abstract of the suspension to the Secretary of
16 State. A further suspension may be imposed by the Secretary
17 of State pursuant to Title 29, section 1312-D, subsection
18 1-A.

20 **Sec. 4. 15 MRSA §3314, sub-§4**, as amended by PL 1991, c. 493,
21 §24, is further amended to read:

22 **4. Medical support.** Whenever the court commits a juvenile
23 to the Maine Youth Center or to the Department of Human Services
24 or places a juvenile on a period of probation, it shall notify
25 the juvenile's parents or legal guardian and, after hearing, may,
26 as justice may demand, require the parent or legal guardian to
27 provide medical insurance for or contract to pay the full cost of
28 any medical treatment, mental health treatment, substance abuse
29 treatment and counseling that may be provided to the juvenile
30 while the juvenile is committed, including while on entrustment
31 or on probation.

34 **Sec. 5. 15 MRSA §3316, sub-§2, ¶A**, as amended by PL 1983, c.
35 480, Pt. B, §21, is further amended to read:

36 A. A commitment of a juvenile to the Department of
37 Corrections, including a commitment to the Maine Youth
38 Center, pursuant to section 3314, shall must be for an
39 indeterminate period not to extend beyond the juvenile's
40 18th birthday unless the court expressly further limits or
41 extends the indeterminate commitment, provided that the
42 court shall may not limit the commitment to less than one
43 year nor extend the commitment beyond a juvenile's 21st
44 birthday and provided that no order may result in a
45 commitment of less than one year unless the commitment is
46 for an indeterminate period not to extend beyond the
47 juvenile's 21st birthday. Nothing in this Part may be
48 construed to prohibit the provision to a juvenile following
49 the expiration of his the juvenile's term of commitment of
50

2 services voluntarily accepted by the juvenile and his the
3 juvenile's parents, guardian or legal custodian if the
4 juvenile is not emancipated; except that these services
5 shall may not be extended beyond the juvenile's 21st
6 birthday.

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10 **STATEMENT OF FACT**

11 The purpose of this bill is to clarify several sections of
12 the Maine Juvenile Code as follows.

13 1. Current law allows a juvenile caseworker to release the
14 identity of a juvenile to a victim or complainant prior to the
15 filing of a petition but neglects to include one of the pertinent
16 situations, specifically, when a juvenile caseworker decides that
17 no further action is required on a complaint. This bill corrects
18 this oversight.

19 2. The bill clarifies existing law to make clear that when
20 a juvenile is sentenced to a period of detention of up to 30
21 days, the sentence must be served at the Androscoggin County
22 Juvenile Detention Facility and the associated boarding cost
23 remains the responsibility of the county having original
24 jurisdiction as prescribed by law. When the Northern Maine
25 Regional Juvenile Detention Facility comes on line, such
26 detention must be served at that facility at state cost.

27 3. The bill clarifies that when a juvenile is sentenced to
28 a period of incarceration following adjudication for the offense
29 of operating a snowmobile, watercraft or motor vehicle while
30 under the influence of intoxicating liquor or drugs, that
31 incarceration must be served in a detention facility approved or
32 operated by the Department of Corrections exclusively for
33 juveniles and in accordance with the Maine Revised Statutes,
34 Title 15, section 3314, subsection 1, paragraph H and in
35 compliance with the requirement in Title 15, section 3205 that
36 juveniles not be kept in adult-serving facilities as a general
37 matter.

38 4. The juvenile court presently has the authority to order
39 a parent or legal guardian to provide insurance or pay for
40 medical or other treatment services provided to the child while
41 the juvenile is committed to either the Maine Youth Center or the
42 Department of Human Services. However, current law does not
43 extend this authority to sentences involving probation. This
44 bill allows the court to order a parent or legal guardian to
45 provide insurance or pay for medical or other treatment services
46 that are made a condition of probation or determined necessary by
47 the court.

5. The bill clarifies that section of the Maine Juvenile
2 Code governing indeterminate sentences to the Maine Youth
Center. Recently, this section has been interpreted in a way
4 that has resulted in some courts ordering commitments to the
Maine Youth Center for periods of less than one year. This bill
6 clarifies that a juvenile may not be committed to the Maine Youth
Center for a period of less than one year.

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