

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1522

H.P. 1085

House of Representatives, March 13, 1997

An Act to Strengthen Juvenile Laws.

(EMERGENCY)

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BERRY of Belmont.
Cosponsored by Representatives: BUCK of Yarmouth, JOY of Crystal, O'NEAL of Limestone, TAYLOR of Cumberland, USHER of Westbrook, VEDRAL of Buxton, Senator: BENOIT of Franklin.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, it is currently difficult or impossible to charge
6 juveniles with crimes; and

8 Whereas, juveniles should be held accountable for their
wrongdoing; and

10 Whereas, in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **Sec. 1. 12 MRSA §7901, sub-§13,** as amended by PL 1995, c. 679,
20 §12, is further amended by amending the last paragraph to read:

22 References in this Title to this subsection are determined also
to refer to the juvenile crime stated in Title 15, section 3103,
24 subsection 1, paragraph E and to the disposition, including a
suspension, for that juvenile crime as provided in Title 15,
26 section ~~3314~~ 3313-A, ~~subsection-3~~ subsections 5 and 6, except as
otherwise provided or when the context clearly requires otherwise.

28 **Sec. 2. 15 MRSA §3101, sub-§4, ¶A,** as amended by PL 1979, c.
30 681, §38, is further amended to read:

32 A. When a petition alleges that a juvenile has committed an
act which would be murder or a Class A, B or C crime if
34 committed by an adult, or when requested by the prosecuting
attorney, the court shall, ~~upon request of the prosecuting~~
36 ~~attorney,~~ continue the case for further investigation and
for a bind-over hearing to determine whether the
38 jurisdiction of the Juvenile Court over the juvenile should
be waived. In the event of such a continuance, the court
40 shall advise the juvenile and ~~his~~ the juvenile's parents,
guardian or legal custodian of the possible consequences of
42 a bind-over hearing, the right to be represented by counsel,
and other related constitutional and legal rights ~~in~~
44 ~~connection therewith.~~

46 **Sec. 3. 15 MRSA §3101, sub-§4, ¶E,** as repealed and replaced by
PL 1979, c. 681, §5, is amended to read:

48 E. The Juvenile Court shall bind a juvenile over to the
50 Superior Court if it finds:

2 (1) That there is probable cause to believe that a
juvenile crime has been committed ~~that would constitute~~
4 ~~murder or a Class A, Class B or Class C crime if the~~
~~juvenile involved were an adult~~ and that the juvenile
6 to be bound over committed it; and

8 (2) By a preponderance of the evidence that, after a
consideration of the seriousness of the crime, the
10 characteristics of the juvenile and the dispositional
alternatives available to the Juvenile Court, as
12 specified in paragraph D, it is appropriate to
prosecute the juvenile as if he the juvenile were an
14 adult.

16 **Sec. 4. 15 MRSA §3103, sub-§2**, as amended by PL 1995, c. 470,
§4, is further amended to read:

18 **2. Dispositional powers.** All of the dispositional powers of
the Juvenile Court provided in section 3314 3313-A apply to a
20 juvenile who is adjudicated to have committed a juvenile crime,
22 except that no commitment to the Maine Youth Center or other
detention may be imposed for conduct described in subsection 1,
24 paragraphs B and C.

26 **Sec. 5. 15 MRSA §3205, sub-§2**, as enacted by PL 1991, c. 493,
28 §17, is amended to read:

30 **2. Exception.** Subsection 1 applies to any person who is
considered a juvenile by virtue of section 3101, subsection 2,
32 paragraph D except that if the person has attained the age of 18
years, any detention and any commitment pursuant to section 3314
34 3313-A, subsection 1 2, paragraph H E may be, upon the order of a
court, in an adult section of a jail or other secure detention
36 facility intended or primarily used for the detention of adults
and may extend beyond the time limits set out in section 3203-A,
38 subsection 1, paragraph B-1 and section 3203-A, subsection 7,
paragraph B-1.

40 **Sec. 6. 15 MRSA §3304, sub-§5, ¶B**, as enacted by PL 1989, c.
42 741, §13, is amended to read:

44 B. If the person or persons to whom a summons is served are
not the parents or guardian of the juvenile, the summons
46 must also be issued to the parents or guardian or both,
notifying them of the pendency of the cause and of the time
48 and place for hearing. The court may waive this requirement
if the court finds that the service of the summons is not
50 possible and explains this finding in writing, except as

2 required by section 3314 3313-A, subsection 1 2, paragraph
C-1 ~~or~~ C-2 B.

4 **Sec. 7. 15 MRSA §3304, sub-§6-A**, as amended by PL 1987, c.
720, §2, is further amended to read:

6
8 **6-A. Effect of nonappearance of parent or custodian.** The
failure of a parent, guardian or legal custodian to appear in
10 response to the summons or for a later hearing, or the inability
to serve such a party, shall does not prevent the court from
12 continuing with the proceedings against a juvenile who is before
the court, except as required in section 3314 3313-A, subsection
1 2, paragraphs C-1 B and C-2 C.

14
16 **Sec. 8. 15 MRSA §3305, 2nd ¶**, as amended by PL 1987, c. 720,
§3, is further amended to read:

18 Upon the acceptance of such an answer, a dispositional
hearing shall must be set at the earliest practicable time that
20 will allow for the completion of a predisposition study conducted
pursuant to section 3311 and for service of notice as required by
22 section 3314 3313-A, subsection 1 2, paragraph C-1 B or C-2 C.

24 **Sec. 9. 15 MRSA §3312, sub-§3, ¶A**, as repealed and replaced by
PL 1987, c. 720, §4, is amended to read:

26
28 A. The court may continue the dispositional hearing, either
on its own motion or on the motion of any interested party:

30 (1) For a period not to exceed one month to receive
reports or other evidence;

32
34 (2) For a period not to exceed 2 months to allow for
service of notice as required in section 3314 3313-A,
subsection 1 2, paragraph C-1 B or C-2 C; or

36
38 (3) For a period not to exceed 12 months in order to
place the juvenile in a supervised work or service
40 program or a restitution program, or for such other
purpose as the court in its discretion determines
42 appropriate. If a supervised work or service program
or restitution program has been ordered, the court
44 shall on final disposition consider whether or not
there has been compliance with the program so ordered.

46 **Sec. 10. 15 MRSA §3312, sub-§3, ¶B**, as repealed and replaced
by PL 1987, c. 720, §4, is amended to read:

48
50 B. If the hearing is continued, the court shall make an
appropriate order for detention of the juvenile or for the

2 juvenile's release in the custody of the juvenile's parents,
guardian, legal custodian or other responsible person or
4 agency under such conditions of supervision as the court may
impose during the continuance. The court may order a
6 juvenile into the temporary custody of the Department of
Human Services only if the following conditions are met:

8 (1) ~~That---~~ Service of notice of the
dispositional hearing as required under section 3314
10 3313-A, subsection 1 2, paragraph C-1 B, has not been
made on parents who reside outside the State or whose
12 whereabouts are unknown after a diligent search;

14 (2) ~~That--the~~ The Department of Human Services has:

16 (a) Received written notice of the hearing on
temporary custody at least 10 days before the
18 hearing, provided that the department may waive
this 10-day requirement in writing; and

20 (b) Had an opportunity to be heard before any
22 order of temporary custody;

24 (3) ~~That--notice~~ Notice under section 3314 3313-A,
subsection 1 2, paragraph C-1 B, has been served on the
26 juvenile's legal custodian at least 10 days before any
order of temporary custody to the Department of Human
28 Services and ~~that~~ the legal custodian has had an
opportunity to be heard before the issuance of a
30 temporary order, provided that the juvenile's custodian
may waive the 10-day notice requirement if the waiver
32 is in writing and voluntarily and knowingly executed in
court before a judge;

34 (4) ~~That--the~~ The court finds that ~~either;~~ it is not
36 necessary or appropriate to detain the juvenile; and

38 ~~(a)--The juvenile does not meet the criteria for~~
~~detention;-or~~

40 ~~(b)--It is not necessary or appropriate to detain~~
42 ~~the juvenile;-and~~

44 (5) ~~That--the~~ The court finds by a preponderance of the
evidence that:

46 (a) Reasonable efforts have been made to prevent
48 or eliminate the need for removal of the juvenile
from the juvenile's home;

50

2 (b) Continuation in the juvenile's home during
the period required for service of notice under
4 section 3314 ~~3313-A~~, subsection 1 2, paragraph C-1
B, would be contrary to the welfare of the
juvenile; and

6 (c) Temporary custody is necessary to provide for
8 the care and support of the juvenile during this
period.

10 Any order of temporary custody terminates upon an order of
12 disposition under section 3314 ~~3313-A~~, or automatically 2
months after issuance, whichever occurs first.

14 **Sec. 11. 15 MRS §3313**, as amended by PL 1995, c. 690, §5, is
16 repealed.

18 **Sec. 12. 15 MRS §3313-A** is enacted to read:

20 **§3313-A. Disposition**

22 **1. Required elements.** When a juvenile is adjudicated as
having committed a juvenile crime, the court shall enter a
24 dispositional order that either unconditionally discharges the
juvenile or contains all of the following elements.

26 A. The court shall require a juvenile to participate in a
28 work or service program supervised by local authorities.
The program may provide restitution to the victim, as
30 required in paragraph B, by requiring the juvenile to work
or provide a service for the victim or to pay the victim
32 from money earned through the program. Supervised work or
service may be required as a condition of probation if:

34 (1) The juvenile is not deprived of the schooling that
36 is appropriate for the juvenile's age, needs and
specific rehabilitative goals;

38 (2) The program is constructive, designed to promote
40 rehabilitation and appropriate for the juvenile's age
and physical ability; and

42 (3) The program assignment does not exceed 180 days.

44 A juvenile referred to a supervised work or service program
46 under this subsection or under section 3301, subsection 5,
paragraphs A and B is not subject to the Maine Workers'
48 Compensation Act of 1992.

2 B. The court shall require the juvenile to make restitution
3 to the victim or other authorized claimant as compensation
4 for all economic and physical loss, under reasonable
5 conditions determined by the court. For purposes of this
6 paragraph, the definitions in Title 17-A, section 1322 and
7 the provisions of Title 17-A, section 1324 apply. The
8 juvenile's parents or legal custodians are jointly and
9 severally liable for making restitution to the victim.

10 C. The court shall commit the juvenile to the Maine Youth
11 Center. The court shall determine whether reasonable
12 efforts have been made to prevent or eliminate the need for
13 removing the juvenile from the juvenile's home and whether
14 remaining in the home would be contrary to the juvenile's
15 welfare. This determination does not affect the order of
16 commitment to the Maine Youth Center.

17 D. The court shall require the juvenile to issue a letter
18 of public apology for the crime. The letter must be
19 published in a newspaper that meets the requirements of
20 Title 1, section 601 for the county or counties in which the
21 crime occurred.

22 2. Optional elements. In addition to the required elements
23 in subsection 1, the court may include one or more of the
24 following elements in the dispositional order.

25 A. The court may require the juvenile and the juvenile's
26 parents or legal custodians to participate in treatment
27 services aimed at the rehabilitation of the juvenile and
28 improvement of the home environment.

29 B. The court may commit the juvenile to the custody of the
30 Department of Human Services when the court has determined
31 that reasonable efforts have been made to prevent or
32 eliminate the need for removing the juvenile from the
33 juvenile's home and that remaining in the home would be
34 contrary to the juvenile's welfare. The court may not
35 commit a juvenile to the custody of the Department of Human
36 Services unless notice has been served on the parents or
37 legal custodians and the Department of Human Services in
38 accordance with the Maine Rules of Civil Procedure at least
39 10 days prior to the dispositional hearing. The parents or
40 legal custodians may waive this time requirement if the
41 waiver is written and voluntarily and knowingly executed in
42 court before a judge. The parents or legal custodians must
43 be given the opportunity to be heard at the dispositional
44 hearing.

2 The Department of Human Services shall provide for the care
4 and placement of the juvenile in accordance with the Child
and Family Services and Child Protection Act, Title 22,
chapter 1071, subchapter VII.

6 C. The court may commit a juvenile to the custody of a
8 relative or other person when the court determines that it
10 is in the best interest of the juvenile. The court may not
12 enter an order under this paragraph unless the parents or
legal custodians have had notice and an opportunity to be
heard at the dispositional hearing.

14 D. Except for a violation of section 3103, subsection 1,
16 paragraph D, the court may impose a fine, subject to Title
18 17-A, sections 1301 to 1305. For purposes of this section,
juvenile crimes defined in section 3103, subsection 1,
paragraphs B and C are deemed Class E crimes.

20 E. The court may commit the juvenile for a period of
22 detention that may not exceed 30 days, which may be served
24 intermittently as the court may order and must be served in
26 a detention facility approved or operated by the Department
28 of Corrections exclusively for juveniles. The court may
30 order the detention to be served as a part of and with a
32 period of probation, subject to such provisions of Title
34 17-A, section 1204 as the court may order and administered
pursuant to Title 34-A, chapter 5, subchapter IV.
Revocation of probation is governed by the procedure
contained in subsection 4. A 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. A 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.

36 **3. Increased penalty.** When determining the contents of the
38 dispositional order, the court shall increase the penalty imposed
40 if it finds that the juvenile was:

42 A. Truant at the time of the crime; or

44 B. Previously convicted of or adjudicated as having
committed harassment, as defined in Title 17-A, section
46 506-A.

48 **4. Suspended disposition.** The court may suspend its
disposition and place the juvenile on a specified period of
probation that is subject to such provisions of Title 17-A,
50 section 1204 as the court may order and that is administered

2 pursuant to the provisions of Title 34-A, chapter 5, subchapter
3 IV, except that in no case may the court impose the condition set
4 out in Title 17-A, section 1204, subsection 1-A. The court may
5 impose as a condition of probation that a juvenile reside outside
6 the juvenile's home in a setting satisfactory to the juvenile
7 caseworker if the court determines that reasonable efforts have
8 been made to prevent or eliminate the need for removing the
9 juvenile from the juvenile's home and that remaining in the home
10 would be contrary to the juvenile's welfare. Imposition of such
11 a condition does not affect the legal custody of the juvenile.

12 Revocation of probation is governed by the procedure contained in
13 Title 17-A, sections 1205, 1205-A and 1206, except that Title
14 17-A, section 1206, subsection 7-A does not apply, provided that
15 a disposition under subsection 1, paragraph C may be modified to
16 a disposition under subsection 2, paragraph E. If a motion for
17 revocation of probation is filed with the court and the juvenile
18 is being detained pending the court hearing, the court shall
19 review the decision to detain the juvenile within 5 days,
20 excluding Saturdays, Sundays and legal holidays. Following the
21 review, the court shall order the juvenile's release unless the
22 court finds, by a preponderance of the evidence, that continued
23 detention is necessary to meet one of the purposes of detention
24 under section 3203-A, subsection 4, paragraph C.

26 **5. Disposition for violation of section 3103, subsection 1,**
27 **paragraph E or F. Any incarceration imposed for committing a**
28 **juvenile crime under section 3103, subsection 1, paragraph E or F**
29 **must be in a facility designated in subsection 2, paragraph E.**

30 **6. Mandatory suspension of operator's license. The court**
31 **shall suspend for a period of 180 days the juvenile's license or**
32 **permit to operate a motor vehicle, right to operate a motor**
33 **vehicle or right to apply for or obtain a license when the**
34 **juvenile is adjudicated of a crime under section 3103, subsection**
35 **1, paragraph F. The court may not suspend the period of**
36 **suspension. The court shall give notice of the suspension and**
37 **take physical custody of the license or permit as provided in**
38 **Title 29-A, section 2434. The court shall immediately forward**
39 **the operator's license and a certified abstract of the suspension**
40 **to the Secretary of State. A further suspension may be imposed**
41 **by the Secretary of State pursuant to Title 29-A, section 2451,**
42 **subsection 3.**

44 **7. Optional suspension of operator's license. The court**
45 **may suspend for a period of 6 months the juvenile's license or**
46 **permit to operate a motor vehicle, right to operate a motor**
47 **vehicle and right to apply for and obtain a license when the**
48 **juvenile is adjudicated of a crime under Title 17-A, chapter 45,**
49 **or Title 22, section 2383. The court shall give notice of**
50

2 suspension and take physical custody of the license or permit as
3 provided in Title 29-A, section 2434. The court shall
4 immediately forward the operator's license and a certified
5 abstract of suspension to the Secretary of State.

6 **8. Medical support.** Whenever the court commits a juvenile
7 to the Maine Youth Center or to the Department of Human Services
8 or places a juvenile on a period of probation, it shall require
9 the parent or legal custodian to provide medical insurance for or
10 contract to pay the full cost of any medical treatment, mental
11 health treatment, substance abuse treatment and counseling that
12 may be provided to the juvenile while the juvenile is committed,
13 on aftercare status or on probation. If the court determines
14 that such a requirement would create an excessive hardship on the
15 parent or legal custodian, or other dependent of the parent or
16 legal custodian, it shall require the parent or legal custodian
17 to pay a reasonable amount toward the cost.

18 **9. Support orders.** Whenever the court commits a juvenile
19 to the Department of Human Services or to a relative or other
20 person, the court may order either or both parents of the
21 juvenile to pay a reasonable amount of support for the juvenile.
22 A parent may not be required to pay support for a juvenile during
23 any period that the juvenile resides in the Maine Youth Center or
24 other facility operated by the Department of Corrections.

25 **10. Forfeiture of firearms.** As part of every disposition
26 under this section, every firearm that constitutes the basis for
27 an adjudication of a juvenile crime under section 393 or Title
28 17-A, section 1105, subsection 1, paragraph C, and every firearm
29 used by the juvenile or an accomplice that would have been
30 forfeited pursuant to Title 17-A, section 1158 if the criminal
31 conduct had been committed by an adult must be forfeited to the
32 State. The court shall so order unless another person satisfies
33 the court prior to the dispositional hearing and by a
34 preponderance of the evidence that the other person had a right
35 to possess the firearm, to the exclusion of the juvenile, at the
36 time of the conduct that constitutes the juvenile crime. Rules
37 adopted by the Attorney General that govern the disposition of
38 firearms forfeited pursuant to Title 17-A, section 1158 govern
39 forfeitures under this subsection.

40 **Sec. 13. 15 MRSA §3314,** as amended by PL 1995, c. 690, §6, is
41 repealed.

42 **Sec. 14. 15 MRSA §3315, sub-§1,** as amended by PL 1983, c. 480,
43 Pt. B, §20, is further amended to read:

44 **1. Right to review.** Every disposition pursuant to section
45 3314 3313-A, other than unconditional discharge, and every
46

2 disposition made pursuant to the law in effect prior to July 1,
3 1978 shall must be reviewed not less than once in every 12 months
4 until the juvenile is discharged. The review shall must be made
5 by a representative of the Department of Corrections unless the
6 juvenile was committed to the Department of Human Services, in
7 which case such review shall must be made by a representative of
8 the Department of Human Services. A report of the review shall
9 must be made in writing to the juvenile's parents, guardian or
10 legal custodian. A copy of the report shall must be forwarded to
11 the program or programs which were reviewed, and the department
12 whose personnel made the review shall retain a copy of the report
13 in their files. The written report shall must be prepared in
14 accordance with subsection 2.

15 **Sec. 15. 15 MRSA §3315, sub-§3,** as enacted by PL 1995, c. 502,
16 Pt. F, §8, is amended to read:

17 **3. Court review of determination.** Whenever a court makes a
18 determination pursuant to section 3314 ~~3313-A~~, subsection 1,
19 paragraph F C or section 3314 ~~3313-A~~, subsection 2 4, that
20 determination must be reviewed by the court not less than once
21 every 18 months until the juvenile is discharged or no longer
22 residing outside the juvenile's home.

23 **Sec. 16. 15 MRSA §3316, sub-§2, ¶A,** as amended by PL 1995, c.
24 502, Pt. F, §9, is further amended to read:

25 A. A commitment of a juvenile to the Maine Youth Center
26 pursuant to section 3314 ~~3313-A~~ must be for an indeterminate
27 period not to extend beyond the juvenile's 18th birthday
28 unless the court expressly further limits or extends the
29 indeterminate commitment, as long as the court does not
30 limit the commitment to less than one year nor extend the
31 commitment beyond a juvenile's 21st birthday and as long as
32 an order does not result in a commitment of less than one
33 year, unless the commitment is for an indeterminate period
34 not to extend beyond the juvenile's 21st birthday. Nothing
35 in this Part may be construed to prohibit the provision to a
36 juvenile following the expiration of the juvenile's term of
37 commitment of services voluntarily accepted by the juvenile
38 and the juvenile's parents, guardian or legal custodian if
39 the juvenile is not emancipated; except that these services
40 may not be extended beyond the juvenile's 21st birthday.

41 **Sec. 17. 15 MRSA §3316, sub-§2, ¶B,** as enacted by PL 1977, c.
42 520, §1, is amended to read:

43 B. A commitment of a juvenile to the Department of Human
44 Services pursuant to section ~~3314~~-shall 3313-A must be for
45 an indeterminate period not to extend beyond the juvenile's
46

2 18th birthday unless the court expressly further limits the
commitment.

4 **Sec. 18. 15 MRSA §3317**, as amended by PL 1995, c. 502, Pt. F,
§10, is further amended to read:

6
8 **§3317. Disposition after return to Juvenile Court**

10 In instances of commitment of a juvenile to the Department
of Human Services or the Maine Youth Center or when the juvenile
12 is under a specified period of probation, the Commissioner of
Human Services or the commissioner's designee or the Commissioner
14 of Corrections or the commissioner's designee following the
disposition may for good cause petition the Juvenile Court having
original jurisdiction in the case for a judicial review of the
16 disposition, including extension of the period of commitment or
period of probation. In all cases in which a juvenile is returned
18 to a Juvenile Court, the Juvenile Court may make any of the
dispositions otherwise provided in section 3314 3313-A. When
20 reviewing a commitment to the Department of Human Services, the
court shall consider efforts made by the Department of
22 Corrections and the Department of Human Services to reunify the
juvenile with the juvenile's parents or custodians, shall make a
24 finding regarding those efforts and shall return custody of the
juvenile to a parent or legal custodian if the return of the
26 juvenile is not contrary to the welfare of the juvenile. A
petition for judicial review of a disposition committing the
28 child to the Department of Human Services must be served on the
parents at least 7 days prior to the hearing.

30
32 **Sec. 19. 22 MRSA §1554-A, sub-§2**, as enacted by PL 1995, c.
470, §9 and affected by §19, is amended to read:

34 **2. Penalty.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$10 nor
36 more than \$100 may be adjudged. An employer of a person who
violates this subsection commits a civil violation for which a
38 forfeiture of not less than \$100 nor more than \$1,000 may be
adjudged. In all cases of violations, the court shall impose a
40 forfeiture that may not be suspended, except pursuant to Title
15, section 3314 3313-A.

42
44 **Sec. 20. 22 MRSA §1555, sub-§1, ¶A**, as enacted by PL 1995, c.
470, §9 and affected by §19, is amended to read:

46 A. Any person who violates this subsection commits a civil
violation for which a fine of not less than \$50 nor more
48 than \$1,500, plus court costs, may be adjudged for any one
offense. Any employer of a person who violates this
50 subsection commits a civil violation for which a fine of not

2 less than \$50 nor more than \$1,500, plus court costs, may be
3 adjudged. In all cases of violations, the court shall
4 impose a fine that may not be suspended, except pursuant to
Title 15, section ~~3314~~ 3313-A.

6 **Sec. 21. 29-A MRSA §2411, sub-§8**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8
10 **8. Juvenile crime.** References in this Title to this
11 section include the juvenile crime in Title 15, section 3103,
12 subsection 1, paragraph F, and the disposition, including a
13 suspension, for that juvenile crime in Title 15, section ~~3314~~
3313-A, ~~subsection 3~~ subsections 5 and 6, except as otherwise
14 provided or except where the context clearly requires otherwise.

16 **Sec. 22. 29-A MRSA §2502, sub-§1**, as amended by PL 1995, c.
65, Pt. A, §123 and affected by §153 and Pt. C, §15 is further
18 amended to read:

20 **1. Issuance of special license.** Following the expiration
21 of the total period of suspension imposed on a first-time
22 offender pursuant to Title 15, section ~~3314~~ 3313-A or sections
23 2411, 2453, 2472 and 2521, the Secretary of State shall issue a
24 special license or permit to the person if the Secretary of State
25 receives written notice that the person has completed the
26 assessment components of the alcohol and other drug program as
27 set out in Title 5, section 20073-A. First offenders with an
28 aggravated offense as defined in Title 5, section 20071,
29 subsection 4-B are entitled to receive a special license after
30 completion of the evaluation provided by the Office of Substance
31 Abuse. First offenders who have registered for the completion of
32 treatment programs as described in Title 5, section 20072,
33 subsection 2 are entitled to receive a special license after
34 completion of a minimum of 3 treatment sessions provided by a
35 counselor or agency approved by the Office of Substance Abuse. A
36 special license or permit may not be issued under this section to
2nd and subsequent offenders.

38
40 **Sec. 23. 34-A MRSA §1001, sub-§11-A**, as enacted by PL 1991, c.
314, §6, is amended to read:

42 **11-A. Juvenile detainee.** "Juvenile detainee" means a
43 juvenile detained at the Maine Youth Center or a detention
44 facility pending a court proceeding, pending a preliminary
45 hearing under Title 17-A, section 1205 or pursuant to Title 15,
46 section ~~3314~~ 3313-A, subsection ~~1~~ 2, paragraph H E.

48 **Sec. 24. 34-A MRSA §4102, sub-§3**, as enacted by PL 1991, c.
400, is amended to read:

50

