

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2030

S.P. 752

In Senate, January 15, 1998

**An Act to Promote the Receipt of Federal Funds and to Clarify the
Maine Juvenile Code.**

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MURRAY of Penobscot.
Cosponsored by Representative JONES of Greenville and
Senator MITCHELL of Penobscot, Representatives: McALEVEY of Waterboro, PEAVEY of
Woolwich, WHEELER of Bridgewater.

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

Sec. 1. 15 MRSA §3314, sub-§1, ¶H, as amended by PL 1993, c. 354, §8, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the disposition be suspended or may commit the juvenile for a period of detention that may not exceed 30 days, with or without an underlying suspended disposition to the Maine Youth Center, which detention may be served intermittently as the court may order and must be ordered served in a detention facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of 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 or 8. 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.

Sec. 2. 15 MRSA §3316, as amended by PL 1995, c. 502, Pt. F, §9, is further amended to read:

§3316. Commitment to the Maine Youth Center or the Department of Human Services

1. **Sharing of information about a committed juvenile.** Information regarding a committed juvenile must be shared as follows.

A. When a juvenile is committed to the ~~Department--of Corrections~~ Maine Youth Center or the Department of Human Services, the court shall transmit, with the commitment order, a copy of the petition, the order of adjudication, copies of the social study, any clinical or educational reports and other information pertinent to the care and treatment of the juvenile~~+~~.

B. The ~~Department--of--Corrections~~ Maine Youth Center or the Department of Human Services shall provide the court with any information concerning a juvenile committed to its care which that the court at any time may require.

2. **Indeterminate disposition.** The following provisions apply to indeterminate dispositions.

2 A. A commitment of a juvenile to the Maine Youth Center
4 pursuant to section 3314 must be for an indeterminate period
6 not to extend beyond the juvenile's 18th birthday unless the
8 court expressly further limits or extends the indeterminate
10 commitment, as long as the court does not limit the
12 commitment to less than one year nor extend the commitment
14 beyond a juvenile's 21st birthday and as long as an order
16 does not result in a commitment of less than one year,
18 unless the commitment is for an indeterminate period not to
extend beyond the juvenile's 21st birthday. Nothing in this
Part may be construed to prohibit the provision to a
juvenile following the expiration of the juvenile's term of
commitment of services voluntarily accepted by the juvenile
and the juvenile's parents, guardian or legal custodian if
the juvenile is not emancipated; except that these services
may not be extended beyond the juvenile's 21st birthday.

20 B. A commitment of a juvenile to the Department of Human
22 Services pursuant to section 3314 shall ~~shall~~ must be for an
24 indeterminate period not to extend beyond the juvenile's
18th birthday unless the court expressly further limits the
commitment.

26 3. **Provision of services.** Nothing in this chapter may
28 prevent juveniles in the custody of the Department of Corrections
from receiving services from the Department of Human Services.

30 4. Voluntary services. The following applies to voluntary
services agreement provisions.

32 A. This chapter does not prevent a juvenile from receiving
34 services from the Department of Corrections pursuant to a
voluntary agreement with the juvenile and the juvenile's
36 parents, guardian or legal custodian if the juvenile is not
emancipated.

38 B. If a juvenile is placed in a residence outside the
40 juvenile's home pursuant to a voluntary services agreement,
the Commissioner of Corrections or the commissioner's
42 designee may request the court to make a determination
whether reasonable efforts have been made to prevent or
44 eliminate the need for removal of the juvenile from the
juvenile's home and whether continuation in the juvenile's
46 home would be contrary to the welfare of the juvenile. If
requested, the court shall make that determination prior to
48 the expiration of 12 months from the start of the placement
and shall review that determination not less than once every
50 12 months until the juvenile is no longer residing outside
the juvenile's home.

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SUMMARY

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6 This bill prohibits the use of deductions for good behavior
8 from detention dispositions of 30 days or less for juveniles who
10 committed juvenile crimes on or after October 1, 1995. This
12 provision currently applies to juveniles who committed crimes
14 prior to October 1, 1995.

10

12 This bill also makes the Maine Revised Statutes, Title 15,
14 section 3316, subsection 1 consistent with the rest of the Maine
Juvenile Code since there is no longer such a disposition as
"commitment to the Department of Corrections" in that Code.

16

18 Finally, the bill facilitates the receipt of more federal
20 funds when a juvenile voluntarily lives outside the juvenile's
home by agreement with the Department of Corrections. Federal
law permits federal funding for the first 12 months of such a
placement but stops such funding thereafter unless a court has
made the determination provided for in this provision.