

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1936

S.P. 690

In Senate, March 18, 1999

**An Act to Modify the Juvenile Code with Regard to the Service of
Juvenile Summonses.**

Reference to the Committee on Criminal Justice 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 HARRIMAN of Cumberland.

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

2
4 **Sec. 1. 15 MRSA §3301, sub-§5, ¶B**, as amended by PL 1997, c. 421, Pt. A, §2, is further amended to read:

6 B. Make whatever informal adjustment is practicable without
8 a petition. The juvenile caseworker may effect whatever
10 informal adjustment is agreed to by the juvenile and the
12 juvenile's parents, guardian or legal custodian if the
14 juvenile is not emancipated, including a restitution
contract with the victim of the crime and the performance of
community service. Informal adjustments may extend no longer
than 6 months and may not be commenced unless:

16 (1) The juvenile caseworker determines that the
18 juvenile and the juvenile's parents, guardian or legal
20 custodian, if the juvenile is not emancipated, were
22 advised of their constitutional rights, including the
right to an adjudicatory hearing, the right to be
represented by counsel and the right to have counsel
appointed by the court if indigent;

24 (2) The facts establish prima facie jurisdiction,
26 except that any admission made in connection with this
28 informal adjustment may not be used in evidence against
the juvenile if a petition based on the same facts is
later filed; and

30 (3) Written consent to the informal adjustment is
32 obtained from the juvenile and the juvenile's parents,
guardian or legal custodian if the juvenile is not
emancipated; ~~or~~

34 **Sec. 2. 15 MRSA §3301, sub-§5, ¶C**, as amended by PL 1997, c.
36 350, §1, is further amended to read:

38 C. If the juvenile caseworker determines that the facts are
40 sufficient for the filing of a petition, the juvenile
caseworker may shall request the prosecuting attorney to
42 file a petition, ~~---If--this--alternative--is--chosen,--the
juvenile-caseworker-shall-issue-and-may-serve-a-summons-in
accordance-with-section-3304,--If--the--juvenile-caseworker
does--not--make--service--before--requesting--the--prosecuting
attorney-to-file-a-petition,--the--juvenile-caseworker-shall
request-a-law-enforcement-officer-to-serve-the-summons-in
accordance-with-section-3304, ; or~~

48 **Sec. 3. 15 MRSA §3301, sub-§5, ¶D** is enacted to read:

