

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 93

H.P. 89

House of Representatives, January 11, 2001

**An Act to Implement the Recommendations that Relate to Juvenile and Criminal Law of the Joint Study Committee to Study Bomb Threats in Maine Schools.**

(EMERGENCY)

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Reported by Representative McDONOUGH for the Joint Study Committee to Study Bomb Threats in Maine Schools pursuant to Joint Study Order H.P. 1938.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

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6           **Whereas,** the number and frequency of school bomb threats  
throughout the State during recent months have increased  
significantly; and

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10          **Whereas,** bomb threats occurred at schools in 14 of the  
State's 16 counties during the 1999-2000 school year; and

12          **Whereas,** school bomb threats represent a significant danger  
to the health and safety of the students and staffs of schools  
throughout the State; and

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16          **Whereas,** significant public resources are expended in  
responding to school bomb threats, particularly by schools and by  
municipalities; and

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

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

28                 **Sec. 1. 15 MRSA §3009** is enacted to read:

30                 **§3009. Scheduling priority**

32                 The court, in scheduling cases, shall give priority to cases  
involving making a bomb threat to a school.

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36                 **Sec. 2. 15 MRSA §3304, sub-§1,** as amended by PL 1999, c. 624,  
Pt. B, §14, is further amended to read:

38                 **1. Issuance and contents.** The summons issued by the law  
enforcement officer must include the signature of the law  
enforcement officer, a brief description of the alleged juvenile  
crime, the time and place of the alleged juvenile crime and the  
time and place the juvenile is to appear in court. The summons  
must also include a statement of the constitutional rights of the  
juvenile, including the right to have an attorney present at the  
hearing on the petition and to have an attorney appointed, if  
indigent. The summons must also include a notice that the case  
may be informally adjusted by a juvenile community corrections  
officer.

2 In a case involving making a bomb threat to a school, the date of  
3 the initial court appearance must be no later than 30 days after  
4 a juvenile community corrections officer receives the law  
5 enforcement officer's report pursuant to section 3203-A.

6 **Sec. 3. 15 MRSA §3304, sub-§6-B** is enacted to read:

8 **6-B. Failure of parent or custodian to attend certain**  
9 **proceedings.** The parent, guardian or legal custodian of a  
10 juvenile charged with committing a juvenile crime involving  
11 making a bomb threat to a school shall attend all court  
12 proceedings. A parent, guardian or legal custodian who knowingly  
13 or intentionally fails to attend a court proceeding for a  
14 juvenile charged with committing a juvenile crime involving  
15 making a bomb threat to a school commits a Class E crime.

16 **Sec. 4. 15 MRSA §3314, sub-§1, ¶E**, as amended by PL 1997, c.  
17 752, §18, is further amended to read:

18 E. The court may require the juvenile or the juvenile's  
19 parent, guardian or legal custodian when the juvenile is  
20 adjudicated of a juvenile crime involving making a bomb  
21 threat to a school to make restitution for any damage to the  
22 victim or other authorized claimant as compensation for  
23 economic loss upon reasonable conditions that the court  
24 determines appropriate. For the purposes of this paragraph,  
25 the definitions in Title 17-A, section 1322 and the  
26 provisions of Title 17-A, sections 1324, 1328-A and 1329  
27 apply, except that section 1329, subsection 3, paragraph A  
28 does not apply.

29 **Sec. 5. 15 MRSA §3314, sub-§3-B** is enacted to read:

30 **3-B. License suspension for making bomb threat to school.**  
31 If a juvenile violates Title 17-A, section 209, 210 or 509 and is  
32 adjudicated pursuant to this chapter to have committed a juvenile  
33 crime involving making a bomb threat to a school, the court shall  
34 take the following actions:

35 **A. Suspend that juvenile's driver's license or permit to**  
36 **operate a motor vehicle;**

37 **B. Prohibit the juvenile from operating a motor vehicle or**  
38 **applying for and obtaining a driver's license;**

39 **C. Prohibit the issuance or renewal of an occupational,**  
40 **business, trade or professional license to the juvenile; and**

41 **D. Prohibit the issuance or renewal of a hunting, fishing,**  
42 **boating or other recreational license to the juvenile.**

2 The court shall issue an order to prevent the issuance or renewal  
4 of licenses under this subsection. The court shall give notice  
6 of suspension and take physical custody of a driver's license or  
8 permit as provided in Title 29-A. The court shall immediately  
10 forward the driver's license and a certified abstract of  
12 suspension to the Secretary of State. The court also shall give  
14 notice of the order to prevent the issuance or renewal of  
16 licenses under this subsection to the Commissioner of Inland  
18 Fisheries and Wildlife and the Commissioner of Marine Resources.

20 Licenses suspended, revoked or denied issuance or renewal under  
22 this subsection may not be issued or reissued until the that  
24 person attains 20 years of age.

26 **Sec. 6. 17-A MRSA §1152, sub-§2-D** is enacted to read:

28 2-D. As part of a sentence for a person who is 18 to 19  
30 years of age and is convicted of violating section 209, 210 or  
32 509 and the crime involved making a bomb threat to a school, the  
34 court shall take the following actions:

36 A. Suspend that person's driver's license or permit to  
38 operate a motor vehicle;

40 B. Prohibit that person from operating a motor vehicle or  
42 applying for and obtaining a driver's license;

44 C. Prohibit the issuance or renewal of an occupational,  
46 business, trade or professional license to that person; and

48 D. Prohibit the issuance or renewal of a hunting, fishing,  
50 boating or other recreational license to that person.

2 The court shall issue an order to prevent the issuance or renewal  
4 of licenses under this subsection. The court shall give notice  
6 of suspension and take physical custody of a driver's license or  
8 permit as provided in Title 29-A. The court shall immediately  
10 forward the driver's license and a certified abstract of  
12 suspension to the Secretary of State. The court also shall give  
14 notice of the order to prevent the issuance or renewal of  
16 licenses under this subsection to the Commissioner of Inland  
18 Fisheries and Wildlife and the Commissioner of Marine Resources.

20 Licenses suspended, revoked or denied issuance or renewal under  
22 this subsection may not be issued or reissued until the person  
24 attains 20 years of age.

26 **Sec. 7. 17-A MRSA §1322, sub-§5**, as amended by PL 1987, c.  
28 157, §3, is repealed and the following enacted in its place:  
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**5. Offender. "Offender" means:**

A. A natural person or organization convicted of a crime; or

B. A parent, guardian or legal custodian of a juvenile adjudicated of a juvenile crime involving making a bomb threat to a school.

**Sec. 8. 17-A MRSA §1330-B** is enacted to read:

**§1330-B. Cap on certain restitution**

An offender as defined in section 1322, subsection 5, paragraph B may be ordered to pay restitution to the school departments, municipal governments, county governments or state agencies that incur costs in responding to a bomb threat. The amount of the restitution may not exceed \$10,000 per bomb threat.

**Sec. 9. 29-A MRSA §2463** is enacted to read:

**§2463. Suspension for crime involving bomb threat to school**

1. Suspension by Secretary of State. The Secretary of State shall immediately suspend the driver's license or permit to operate a motor vehicle or the right to apply for a license or permit of a person alleged to have made a bomb threat to a school pending final disposition by the court.

2. Stay. If, within 10 days from the effective date of the suspension, the Secretary of State receives a request in writing for a hearing in accordance with section 2483, the suspension is stayed until a hearing is held and a decision is issued.

3. Restoration of license. The Secretary of State shall restore a driver's license or permit to operate a motor vehicle and right to apply for and obtain a driver's license or permit to operate a motor vehicle suspended under this section upon receipt of an attested copy of the court record finding the person not guilty of the crime or adjudicated to have not committed a juvenile crime involving making a bomb threat to a school.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

**SUMMARY**

This bill, which is part of the majority report of the Joint Study Committee to Study Bomb Threats in Maine Schools, amends

2 both the Maine Juvenile Code and the Maine Criminal Code for  
juveniles or adults who are 18 or 19 years of age and who are  
involved in making a bomb threat to a school. The bill:

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6 1. Amends the Maine Juvenile Code to require the juvenile  
court to give scheduling priority to juvenile criminal cases  
involving making a bomb threat to a school;

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10 2. Amends the Maine Juvenile Code to require the date of  
initial court appearance for a juvenile involved in making a bomb  
threat to a school to occur no later than 30 days after a  
12 juvenile community corrections officer receives the law  
enforcement officer's report on that case;

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16 3. Requires that the court suspend, revoke or deny issuance  
of driver's, occupational and recreational licenses to persons up  
to 20 years of age who are adjudicated or convicted of crimes  
18 involving making a bomb threat to a school. Licenses suspended,  
revoked or denied issuance under this subsection may not be  
20 issued or reissued until the person attains 20 years of age;

22 4. Requires the Secretary of State to suspend the license  
or permit of any person determined to have made a bomb threat to  
24 a school pending final disposition of the case by the court;

26 5. Requires that the parent, guardian or legal custodian of  
a juvenile charged with committing a juvenile crime involving  
28 making a bomb threat to a school attend all juvenile court  
proceedings; and

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32 6. Amends the restitution law to allow a court to order  
the parent, guardian or legal custodian of a juvenile adjudicated  
of a crime involving making a bomb threat to a school to make  
34 restitution of up to \$10,000 to the school departments, municipal  
governments, county governments or state agencies that incur  
36 costs in responding to the bomb threat.