

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1069

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H.P. 814

House of Representatives, February 22, 2001

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**An Act to Amend the Laws Pertaining to Juvenile Offenders.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative POVICH of Ellsworth.  
Cosponsored by Representatives: BLANCHETTE of Bangor, O'BRIEN of Lewiston, TOBIN  
of Dexter, Senator: McALEVEY of York.

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

2  
4       **Sec. 1. 15 MRSA §3103, sub-§1, ¶D**, as amended by PL 1995, c.  
470, §3, is further amended to read:

6           D. If a juvenile is adjudicated to have committed an action  
8           described in paragraph B or C ~~willful--refusal--to--pay--a~~  
~~resulting--fine--or~~, willful violation of the terms of a  
10           resulting probation;

12       **Sec. 2. 15 MRSA §3103, sub-§1, ¶D-1** is enacted to read:

14       D-1. Willful refusal to pay a fine imposed under section  
3314, subsection 1, paragraph G;

16       **Sec. 3. 15 MRSA §3203-A, sub-§1, ¶C**, as amended by PL 1999, c.  
18       624, Pt. B, §3, is further amended to read:

20           C. In cases under Title 5, section 200-A, the law  
22           enforcement officer shall immediately notify the juvenile  
24           community corrections officer and the Department of the  
26           Attorney General. In all other cases the law enforcement  
28           officer shall immediately notify the juvenile community  
30           corrections officer if the law enforcement officer believes  
32           that immediate secure detention is required. If the  
34           juvenile community corrections officer determines not to  
36           order the detention or continued detention of the juvenile,  
38           the community corrections officer shall inform the law  
40           enforcement officer and the attorney for the State prior to  
42           the juvenile's release. The attorney for the State, with or  
44           without a request from a law enforcement officer, shall  
46           consider the facts of the case, consult with the juvenile  
48           community corrections officer who made the initial  
50           determination, consider standards for detention under  
          subsection 4, paragraph C and subsection 4, paragraph D,  
          subparagraphs (1) to (6) and may order detention or  
          continued detention of the juvenile under the same or any  
          authorized conditions pending the juvenile's initial  
          appearance before the court. If detention or continued  
          detention is ordered, the detention placement must be made  
          by the juvenile community corrections officer or the  
          attorney for the State within 12 hours following the  
          juvenile's arrest.

46       **Sec. 4. 15 MRSA §3203-A, sub-§4, ¶B-1** is enacted to read:

48       B-1. The juvenile community corrections officer may impose  
different or additional conditions of release from those  
listed in paragraph B if the juvenile community corrections  
officer, upon receipt of new information, determines the

2 conditions are necessary to ensure the juvenile's appearance  
3 or to ensure the protection of the community or any member  
4 of the community, including the juvenile. If different or  
5 additional conditions of release are imposed, the juvenile  
6 may request the Juvenile Court to review the conditions  
7 pursuant to subsection 10.

8 **Sec. 5. 15 MRSA §3314, sub-§1, ¶G,** as amended by PL 1999, c.  
9 367, §1, is further amended to read:

10 G. Except for a violation of section 3103, subsection 1,  
11 paragraph D or D-1, the court may impose a fine, subject to  
12 Title 17-A, sections 1301 to 1304, except that section 1304,  
13 subsection 3, paragraph A does not apply. For the purpose of  
14 this section, juvenile offenses defined in section 3103,  
15 subsection 1, paragraphs B and C are deemed Class E crimes.

16 **Sec. 6. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1999, c.  
17 624, Pt. A, §7, is further amended to read:

18 H. The court may commit the juvenile to a Department of  
19 Corrections juvenile correctional facility and order that  
20 the disposition be suspended or may commit the juvenile for  
21 a period of detention that may not exceed 30 days, with or  
22 without an underlying suspended disposition to a Department  
23 of Corrections juvenile correctional facility, which  
24 detention must be served concurrently with any other period  
25 of detention previously imposed and not fully discharged or  
26 imposed on the same date ~~but may be served intermittently as~~  
27 ~~the court may order~~ and must be ordered served in a  
28 detention facility approved or operated by the Department of  
29 Corrections exclusively for juveniles. The court may order  
30 such a disposition to be served as a part of and with a  
31 period of probation that is subject to ~~such~~ the provisions  
32 of Title 17-A, section 1204 as the court may order and that  
33 must be administered pursuant to Title 34-A, chapter 5,  
34 subchapter IV. Revocation of probation is governed by the  
35 procedure contained in subsection 2. Any period of  
36 detention ordered as a disposition under this paragraph is  
37 subject to Title 17-A, section 1253, subsection 2, but not  
38 to Title 17-A, section 1253, subsection 3-B, 4, 5 or 8. A  
39 period of detention under this paragraph commences on the  
40 date on which the juvenile is received into the Department  
41 of Corrections detention facility, with credit accorded only  
42 for the portion of that day for which the juvenile is  
43 actually detained. The juvenile must be released from the  
44 Department of Corrections detention facility upon the  
45 expiration of the period of detention, minus the deductions  
46 authorized under this paragraph, except that, if the  
47 computation of the release date fixes it on a Saturday,  
48

2           Sunday or legal holiday, the juvenile may be released on the  
3           last regular business day of the Department of Corrections  
4           detention facility preceding that Saturday, Sunday or legal  
5           holiday and except that, in any case, the juvenile may be  
6           released during regular business hours of the Department of  
7           Corrections detention facility.

8           **Sec. 7. 15 MRSA §3314, sub-§2**, as amended by PL 1999, c. 624,  
9           Pt. A, §8, is further amended to read:

10           **2. Suspended disposition.** The court may impose any of the  
11           dispositional alternatives provided in subsection 1 and may  
12           suspend its disposition and place the juvenile on a specified  
13           period of probation that is subject to such provisions of Title  
14           17-A, section 1204 as the court may order and that is  
15           administered pursuant to the provisions of Title 34-A, chapter 5,  
16           subchapter IV, except that the court may not impose the condition  
17           set out in Title 17-A, section 1204, subsection 1-A. The court  
18           may impose as a condition of probation that a juvenile must  
19           reside outside the juvenile's home in a setting satisfactory to  
20           the juvenile community corrections officer if the court  
21           determines that reasonable efforts have been made to prevent or  
22           eliminate the need for removal of the juvenile from the  
23           juvenile's home and that continuation in the juvenile's home  
24           would be contrary to the welfare of the juvenile. Imposition of  
25           such a condition does not affect the legal custody of the  
26           juvenile.

27  
28           Modification of probation is governed by the procedures contained  
29           in Title 17-A, section 1202, subsection 2. Termination of  
30           probation is governed by the procedures contained in Title 17-A,  
31           section 1202, subsection 3. Revocation of probation is governed  
32           by the procedures contained in Title 17-A, sections 1205, 1205-B,  
33           1205-C and 1206, except that the provisions of those sections  
34           requiring a preliminary hearing do not apply and those provisions  
35           of Title 17-A, section 1206, subsection 7-A allowing a vacating  
36           of part of the suspension of execution apply only to a  
37           disposition under subsection 1, paragraph G or a period of  
38           detention under subsection 1, paragraph H; however, a disposition  
39           under subsection 1, paragraph F may be modified to a disposition  
40           under subsection 1, paragraph H. If the juvenile is being  
41           detained for an alleged violation of probation, the court shall  
42           review within 48 hours following the detention, excluding  
43           Saturdays, Sundays and legal holidays, the decision to detain the  
44           juvenile. Following that review, the court shall order the  
45           juvenile's release unless the court finds that there is probable  
46           cause to believe that the juvenile has violated a condition of  
47           probation and finds, by a preponderance of the evidence, that  
48           continued detention is necessary to meet one of the purposes of  
49           detention under section 3203-A, subsection 4, paragraph C.  
50



2 3314, the court may not decrease the period of commitment to a  
Department of Corrections juvenile correctional facility.