

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1323

H.P. 977

House of Representatives, March 11, 2003

An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative O'BRIEN of Augusta.

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

4 **Sec. 1. 34-A MRSA c. 9, sub-c. 6** is enacted to read:

6 **SUBCHAPTER 6**

8 **THE INTERSTATE COMPACT FOR JUVENILES**

10 **§9901. Short title -- Article 1**

12 This subchapter may be known and cited as "the Interstate Compact for Juveniles, which is referred to in this subchapter as "the compact."

14 **§9902. Definitions -- Article 2**

16 As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

20 1. **Bylaws.** "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.

24 2. **Commissioner.** "Commissioner" means the voting representative of each compacting state appointed pursuant to section 9903.

28 3. **Compact administrator.** "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.

36 4. **Compacting state.** "Compacting state" means any state that has enacted the enabling legislation for this compact.

38 5. **Court.** "Court" means a court having jurisdiction over juveniles.

42 6. **Deputy compact administrator.** "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the State's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission and policies adopted by the state council under this compact.

2 **7. Interstate commission.** "Interstate commission" means
the Interstate Commission for Juveniles established in this
subchapter.

4
6 **8. Juvenile.** "Juvenile" means any person defined as a
juvenile in any member state or by the rules of the interstate
commission, including:

8
10 **A. An accused delinquent who is a person charged with an**
offense that, if committed by an adult, would be a criminal
offense;

12
14 **B. An adjudicated delinquent who is a person found to have**
committed an offense that, if committed by an adult, would
be a criminal offense;

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18 **C. An accused status offender who is a person charged with**
an offense that would not be a criminal offense if committed
by an adult;

20
22 **D. An adjudicated status offender who is a person found to**
have committed an offense that would not be a criminal
offense if committed by an adult; and

24
26 **E. A nonoffender who is a person in need of supervision who**
has not been accused or adjudicated as a status offender or
delinquent.

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30 **9. Noncompacting state.** "Noncompacting state" means any
state that has not enacted the enabling legislation for this
compact.

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34 **10. Probation or parole.** "Probation" or "parole" means any
kind of supervision or conditional release of juveniles
authorized under the laws of the compacting states.

36
38 **11. Rule.** "Rule" means a written statement by the
interstate commission promulgated pursuant to section 9904 that
is of general applicability; implements, interprets or prescribes
40 **a policy or provision of the compact or an organizational,**
procedural or practice requirement of the interstate commission;
42 **and has the force of statutory law in a compacting state,**
including the ability to amend, repeal or suspend an existing
44 **rule.**

46 **12. State.** "State" means a state of the United States, the
District of Columbia, the Commonwealth of Puerto Rico, the U.S.
48 **Virgin Islands, Guam, American Samoa and the Northern Marianas**
Islands.

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2 13. State council. "State council" means the resident
members of the state council for interstate juvenile supervision
created by each state under section 9909.

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6 §9903. Interstate Commission for Juveniles -- Article 3

8 1. Commission created. The compacting states hereby create
the Interstate Commission for Juveniles. The commission is a
body corporate and joint agency of the compacting states. The
10 commission has all the responsibilities, powers and duties set
forth in this section, including the power to sue and be sued,
12 and such additional powers as may be conferred upon it by
subsequent action of the respective legislatures of the
14 compacting states in accordance with the terms of this compact.

16 2. Commissioners. The interstate commission consists of
commissioners appointed by the appropriate appointing authority
18 in each state pursuant to the rules and requirements of each
compacting state and in consultation with the state council. The
20 commissioner is the compact administrator, deputy compact
administrator or designee from that state who serves on the
22 interstate commission in such capacity under or pursuant to the
applicable law of the compacting state.

24 3. Noncommissioner members. In addition to the
26 commissioners who are the voting representatives of each state,
the interstate commission includes individuals who are not
28 commissioners but who are members of interested organizations.
Those noncommissioner members must include a member of the
30 national organizations of governors, legislators, state chief
justices, attorneys general; members of the Interstate Compact
32 for Adult Offender Supervision and Interstate Compact for the
Placement of Children; juvenile justice and juvenile corrections
34 officials; and crime victims. All noncommissioner members of the
interstate commission are ex officio, nonvoting members. The
36 interstate commission may provide in its bylaws for such
additional ex officio, nonvoting members, including members of
38 other national organizations, as it considers necessary.

40 4. Each state entitled to one vote; quorum. Each
compacting state represented at any meeting of the interstate
42 commission is entitled to one vote. A majority of the compacting
states constitutes a quorum for the transaction of business,
44 unless a larger quorum is required by the bylaws of the
interstate commission.

46 5. Meetings. The interstate commission shall meet at least
48 once each calendar year. The chair may call additional meetings
and, upon the request of a simple majority of the compacting
50 states, shall call additional meetings. Public notice must be
given of all meetings and meetings are open to the public.

2 6. Executive committee. The interstate commission shall
4 establish an executive committee that includes commission
6 officers, members and others as determined by the bylaws. The
8 executive committee has power to act on behalf of the interstate
10 commission during periods when the interstate commission is not
12 in session, with the exception of rulemaking or amendments to the
14 compact. The executive committee oversees the day-to-day
 activities of the administration of the compact managed by the
 executive director and interstate commission staff; administers
 enforcement and compliance with the provisions of the compact,
 its bylaws and rules; and performs other duties as directed by
 the interstate commission or as set forth in the bylaws.

16 7. Member participation. Each commissioner of the
18 interstate commission has the right and power to cast a vote to
20 which the commissioner's state is entitled and to participate in
22 the business and affairs of the interstate commission. A
24 commissioner must vote in person and may not delegate a vote to
26 another compacting state, except a commissioner, in consultation
 with the state council, may appoint another authorized
 representative, in the absence of the commissioner from that
 state, to cast a vote on behalf of the compacting state at a
 specified meeting. The bylaws may provide for members'
 participation in meetings by telephone or other means of
 telecommunication or electronic communication.

28 8. Public access to interstate commission records and
30 information. The interstate commission's bylaws must establish
32 conditions and procedures under which the interstate commission
34 shall make its information and official records available to the
36 public for inspection or copying. The interstate commission may
 exempt from disclosure any information or official records to the
 extent they would adversely affect personal privacy rights or
 proprietary interests.

38 9. Public notice. Public notice of all meetings must be
40 given and all meetings are open to the public, except as set
42 forth in the rules or as otherwise provided in the compact. The
 interstate commission and any of its committees may close a
 meeting to the public where it determines by 2/3 vote that an
 open meeting would be likely to:

44 A. Relate solely to the interstate commission's internal
46 personnel practices and procedures;

48 B. Disclose matters specifically exempted from disclosure
 by statute;

50 C. Disclose trade secrets or commercial or financial

information that is privileged or confidential;

2
4 D. Involve accusing a person of a crime, or formally censuring a person;

6 E. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

8
10 F. Disclose investigative records compiled for law enforcement purposes;

12
14 G. Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

16
18 H. Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or

20
22 I. Specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

24
26 10. Process for closed meetings. For every meeting closed pursuant to subsection 9, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any action must be identified in such minutes.

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38 11. Data collection; records. The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through rules specifying the data to be collected, the means of collection and data exchange and the reporting requirements. These methods of data collection, exchange and reporting must, insofar as is reasonably possible, conform to up-to-date technology and coordinate the interstate commission's information functions with the appropriate repository of records.

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48 §9904. Powers and duties of interstate commission -- Article 4

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2 1. Powers and duties. The interstate commission has the
following powers and duties:

4 A. To provide for dispute resolution among compacting
states;

6 B. To promulgate rules to effect the purposes and
8 obligations as enumerated in this compact, which have the
10 force of statutory law and are binding in the compacting
12 states to the extent and in the manner provided in this
14 compact;

16 C. To oversee, supervise and coordinate the interstate
18 movement of juveniles subject to the terms of this compact
20 and any bylaws adopted and rules promulgated by the
22 interstate commission;

24 D. To enforce compliance with the compact provisions, the
26 rules promulgated by the interstate commission and the
28 bylaws, using all necessary and proper means, including, but
30 not limited to, the use of judicial process;

32 E. To establish and maintain offices that are located
34 within one or more of the compacting states;

36 F. To purchase and maintain insurance and bonds;

38 G. To borrow, accept, hire or contract for services of
40 personnel;

42 H. To establish and appoint committees and hire staff that
44 the interstate commission deems necessary for the carrying
46 out of its functions, including, but not limited to, an
48 executive committee as required by section 9903 that has the
50 power to act on behalf of the interstate commission in
carrying out its powers and duties hereunder;

I. To elect or appoint officers, attorneys, employees,
agents or consultants and to fix their compensation, define
their duties and determine their qualifications;

J. To establish the interstate commission's personnel
policies and programs relating to, among other things,
conflicts of interest, rates of compensation and
qualifications of personnel;

K. To accept any donations and grants of money, equipment,
supplies, materials and services and to receive, utilize and
dispose of donations and grants;

2 L. To lease, purchase, accept contributions or donations of
3 or otherwise to own, hold, improve or use any property,
4 real, personal or mixed;

5 M. To sell, convey, mortgage, pledge, lease, exchange,
6 abandon or otherwise dispose of any property, real, personal
7 or mixed;

8 N. To establish a budget and make expenditures and levy
9 dues as provided in section 9908;

10 O. To sue and be sued;

11 P. To adopt a seal and bylaws governing the management and
12 operation of the interstate commission;

13 Q. To perform functions necessary or appropriate to achieve
14 the purposes of this compact;

15 R. To report annually to the legislatures, governors,
16 judiciary and state councils of the compacting states
17 concerning the activities of the interstate commission
18 during the preceding year. Annual reports must also include
19 any recommendations that may have been adopted by the
20 interstate commission;

21 S. To coordinate education, training and public awareness
22 regarding the interstate movement of juveniles for officials
23 involved in such activity;

24 T. To establish uniform standards for reporting, collecting
25 and exchanging data; and

26 U. To maintain its corporate books and records in
27 accordance with the bylaws.

28 **§9905. Organization and operation of interstate**
29 **commission -- Article 5**

30 1. Bylaws. The interstate commission shall adopt bylaws by
31 a majority of the members present and voting, within 12 months
32 after the first interstate commission meeting, to govern its
33 conduct as may be necessary or appropriate to carry out the
34 purposes of this subchapter, including, but not limited to:

35 A. Establishing the fiscal year of the interstate
36 commission;

37 B. Establishing an executive committee and other necessary
38 committees;

2 C. Providing for the establishment of committees governing
4 general or specific delegation of any authority or function
 of the interstate commission;

6 D. Providing reasonable procedures for calling and
8 conducting meetings of the interstate commission and
 ensuring reasonable notice of each meeting;

10 E. Establishing the titles and responsibilities of the
12 officers of the interstate commission;

14 F. Providing a mechanism for concluding the operations of
16 the interstate commission and the return of any surplus
 funds that may exist upon the termination of the compact
 after the payment and reserving of all of its debts and
 obligations;

18 G. Providing start-up rules for initial administration of
20 the compact; and

22 H. Establishing standards and procedures for compliance and
24 technical assistance in carrying out the compact.

26 2. Officers and staff. The following provisions govern
 officers and staff.

28 A. The interstate commission shall, by a majority of the
30 members, elect annually from among its members a chair and a
32 vice-chair, each of whom has such authority and duties as
34 may be specified in the bylaws. The chair or, in the
36 chair's absence or disability, the vice-chair shall preside
38 at all meetings of the interstate commission. The officers
 so elected serve without compensation or remuneration from
 the interstate commission, provided that, subject to the
 availability of budgeted funds, the officers are reimbursed
 for any ordinary and necessary costs and expenses incurred
 by them in the performance of their duties and
 responsibilities as officers of the interstate commission.

40 B. The interstate commission shall, through its executive
42 committee, appoint or retain an executive director for such
44 period, upon such terms and conditions and for such
46 compensation as the interstate commission considers
48 appropriate. The executive director serves as secretary to
 the interstate commission and may hire and supervise such
 other staff as may be authorized by the interstate
 commission but may not be a member.

50 3. Qualified immunity, defense and indemnification. The

2 following provisions govern qualified immunity, defense and
3 indemnification.

4 A. The interstate commission's executive director and
5 employees are immune from suit and liability, either
6 personally or in their official capacity, for any claim for
7 damage to or loss of property or personal injury or other
8 civil liability caused or arising out of an actual or
9 alleged act, error or omission that occurred, or that such
10 person had a reasonable basis for believing occurred, within
11 the scope of interstate commission employment, duties or
12 responsibilities. Nothing in this paragraph may be
13 construed to protect any such person from suit or liability
14 for any damage, loss, injury or liability caused by the
15 intentional or willful and wanton misconduct of any such
16 person.

17 B. The liability of a commissioner or employee or agent of
18 a commissioner, acting within the scope of such person's
19 employment or duties, for acts, errors or omissions
20 occurring within such person's state may not exceed the
21 limits of liability set forth under the constitution and
22 laws of that state for state officials, employees and
23 agents. Nothing in this paragraph may be construed to
24 protect any such person from suit or liability for any
25 damage, loss, injury or liability caused by the intentional
26 or willful and wanton misconduct of any such person.

27 C. The interstate commission shall defend the executive
28 director or the employees or representatives of the
29 interstate commission and, subject to the approval of the
30 attorney general of the state represented by any
31 commissioner of a compacting state, shall defend such
32 commissioner or the commissioner's representatives or
33 employees in a civil action seeking to impose liability,
34 arising out of any actual or alleged act, error or omission
35 that occurred within the scope of interstate commission
36 employment, duties or responsibilities, or that the
37 defendant had a reasonable basis for believing occurred
38 within the scope of interstate commission employment, duties
39 or responsibilities, if the actual or alleged act, error or
40 omission did not result from intentional or willful and
41 wanton misconduct on the part of such person.

42 D. The interstate commission shall indemnify and hold the
43 commissioner of a compacting state, or the commissioner
44 representative or employee, or the interstate commission
45 representative or employee, harmless in the amount of any
46 settlement or judgment obtained against such persons arising
47 out of any actual or alleged act, error or omission that
48 occurred within the scope of interstate commission employment,
49 duties or responsibilities, if the actual or alleged act, error or
50 omission did not result from intentional or willful and
 wanton misconduct on the part of such person.

2 occurred within the scope of interstate commission
3 employment, duties or responsibilities or that such persons
4 had a reasonable basis for believing occurred within the
5 scope of interstate commission employment, duties or
6 responsibilities, if the actual or alleged act, error or
7 omission did not result from intentional or willful and
8 wanton misconduct on the part of such persons.

10 **§9906. Rule-making functions of interstate**
11 **commission -- Article 6**

12 **1. Rules.** The interstate commission shall promulgate and
13 publish rules in order to effectively and efficiently achieve the
14 purposes of the compact.

15 Rulemaking must occur pursuant to the criteria set forth in this
16 section and the bylaws and rules adopted pursuant to this
17 section. The rulemaking must substantially conform to the
18 principles of the federal Administrative Procedure Act, 5 United
19 States Code, Section 551 et seq. and the federal Advisory
20 Committee Act, 5 United States Code App. 2 Section 1 et seq., as
21 may be amended, referred to in this subchapter as "the APA," or
22 other administrative procedures act the interstate commission
23 determines appropriate consistent with due process requirements
24 under the United States Constitution as now or hereafter
25 interpreted by the United States Supreme Court.

26 All rules and amendments are binding as of the date specified in
27 each rule or amendment.

28 **2. Promulgation of rules.** When adopting a rule, the
29 interstate commission shall:

30 **A.** Publish the proposed rule stating with particularity the
31 text of the proposed rule and the reason for the proposed
32 rule;

33 **B.** Allow persons to submit written data, facts, opinions
34 and arguments, which must be added to the record and made
35 publicly available;

36 **C.** Provide an opportunity for an informal hearing, if
37 petitioned by 10 or more persons; and

38 **D.** Promulgate a final rule and its effective date, if
39 appropriate, based on the rule-making record, including
40 input from state or local officials and other interested
41 parties.

42 **3. Rule review.** No later than 60 days after a rule is
43 promulgated, the interstate commission shall review the rule
44 and determine whether it is necessary, appropriate, and
45 consistent with the purposes of the compact.

2 promulgated, an interested person may file a petition in the
3 United States District Court for the District of Columbia or in
4 the federal district court where the interstate commission's
5 principal office is located for judicial review of the rule. If
6 the court finds that the interstate commission's action is not
7 supported by substantial evidence in the rule-making record as
8 defined in the APA, the court shall hold the rule unlawful and
9 set it aside.

10 **4. Rule void.** If a majority of the legislatures of the
11 compacting states rejects a rule by enactment of a statute or
12 resolution in the same manner used to adopt the compact, then the
13 rule has no further force and effect in any compacting state.

14 **5. Existing rules suspended.** The existing rules governing
15 the operation of the Interstate Compact for Juveniles superceded
16 by this subchapter are void 12 months after the first meeting of
17 the interstate commission.

18 **6. Emergency rule.** If the interstate commission determines
19 that an emergency exists, it may promulgate an emergency rule
20 that becomes effective immediately upon adoption as long as the
21 usual rule-making procedures provided under this section are
22 retroactively applied to the rule as soon as reasonably possible
23 but not later than 90 days after the effective date of the
24 emergency rule.

25 **§9907. Oversight, enforcement and dispute resolution by**
26 **interstate commission -- Article 7**

27 **1. Oversight.** The interstate commission shall oversee the
28 interstate movement of juveniles in the compacting states and
29 shall monitor activities being administered in noncompacting
30 states that may significantly affect compacting states.

31 **2. Enforcement.** The courts and executive agencies in each
32 compacting state shall enforce this compact and shall take all
33 actions necessary and appropriate to effectuate the compact's
34 purposes and intent. The provisions of this compact and the
35 rules promulgated hereunder must be received by all the judges,
36 public officers, commissions, and departments of the state
37 government as evidence of the authorized statute and
38 administrative rules. Courts shall take judicial notice of the
39 compact and the rules. In any judicial or administrative
40 proceeding in a compacting state pertaining to the subject matter
41 of this compact that may affect the powers, responsibilities or
42 actions of the interstate commission, the interstate commission
43 is to receive all service of process in any such proceeding and
44 has standing to intervene in the proceeding for all purposes.

2 3. Dispute resolution. The compacting states shall report
4 to the interstate commission on issues and activities necessary
6 for the administration of the compact as well as issues and
8 activities pertaining to compliance with the provisions of the
10 compact and its bylaws and rules.

12 The interstate commission shall attempt, upon the request of a
14 compacting state, to resolve any disputes or other issues that
16 are subject to the compact and that may arise among compacting
18 states and noncompacting states. The interstate commission shall
20 promulgate a rule providing for both mediation and binding
22 dispute resolution for disputes among the compacting states.

24 4. Commission enforcement. The interstate commission shall
26 enforce the provisions and rules of this compact using all means
28 set forth in section 9911.

30 **§9908. Finance -- Article 8**

32 1. Expenses. The interstate commission shall pay or
34 provide for the payment of the reasonable expenses of its
36 establishment, organization and ongoing activities.

38 2. Assessment. The interstate commission shall levy and
40 collect an annual assessment from each compacting state to cover
42 the cost of the internal operations and activities of the
44 interstate commission and its staff, which must be sufficient to
46 cover the interstate commission's annual budget as approved each
48 year. The aggregate annual assessment amount must be allocated
50 based upon a formula to be determined by the interstate
 commission, taking into consideration the population of each
 compacting state and the volume of interstate movement of
 juveniles in each compacting state and shall promulgate a rule
 binding upon all compacting states that governs the assessment.

3. Obligations. The interstate commission may not incur
 any obligations of any kind prior to securing the funds adequate
 to meet the same obligations, nor may the interstate commission
 pledge the credit of any of the compacting states, except by and
 with the authority of the compacting state.

4. Accounts. The interstate commission shall keep accurate
 accounts of all receipts and disbursements. The receipts and
 disbursements of the interstate commission are subject to the
 audit and accounting procedures established under its bylaws.
 All receipts and disbursements of funds handled by the interstate
 commission must be audited yearly by a certified or licensed
 public accountant and the report of the audit must be included in
 and become part of the annual report of the interstate commission.

2
3 **§9909. State council -- Article 9**

4 Each compacting state shall create a state council for
5 interstate juvenile supervision. While each state may determine
6 the membership of its own state council, its membership must
7 include at least one representative from the legislative,
8 judicial and executive branches of government; victims groups;
9 and the compact administrator or the compact administrator's
10 designee. Each compacting state retains the right to determine
11 the qualifications of the compact administrator or deputy compact
12 administrator. Each state council shall advise and may exercise
13 oversight and advocacy concerning that state's participation in
14 interstate commission activities and other duties as may be
15 determined by that state, including, but not limited to,
16 development of policy concerning operations and procedures of the
17 compact within that state.

18 **§9910. Compacting state; effective date; amendment -- Article 10**

19 1. Eligibility. Any state, as defined in section 9902, is
20 eligible to become a compacting state.

21
22 2. Effective date. The compact becomes effective and
23 binding upon enactment of the compact into law by no fewer than
24 35 of the states. The initial effective date is July 1, 2004 or
25 upon enactment into law by the 35th state, whichever is later.
26 After the initial effective date, the compact becomes effective
27 and binding as to any other compacting state, upon enactment of
28 the compact into law by that state. The governors of nonmember
29 states or their designees will be invited to participate in the
30 activities of the interstate commission on a nonvoting basis
31 prior to adoption of the compact by all states and territories of
32 the United States.

33
34 3. Amendment. The interstate commission may propose
35 amendments to the compact for enactment by the compacting
36 states. An amendment does not become effective and binding upon
37 the interstate commission and the compacting states unless and
38 until it is enacted into law by unanimous consent of the
39 compacting states.

40
41 **§9911. Withdrawal, default, termination and judicial**
42 **enforcement -- Article 11**

43
44 1. Withdrawal. Once effective, the compact continues in
45 force and remains binding upon each compacting state. A
46 compacting state may withdraw from the compact by enacting a
47 statute specifically repealing the statute that enacted the
48 compact. The effective date of withdrawal is the effective date
49 of the repeal of the compact. The withdrawing state shall
50

2 immediately notify the chair of the interstate commission in
3 writing upon the introduction of legislation repealing this
4 compact in the withdrawing state. The interstate commission
5 shall notify the other compacting states of the withdrawing
6 state's intent to withdraw within 60 days of its receipt of the
7 withdrawal notice. The withdrawing state is responsible for all
8 assessments, obligations and liabilities incurred through the
9 effective date of withdrawal, including any obligations, the
10 performance of which extends beyond the effective date of
11 withdrawal. Reinstatement following withdrawal of any compacting
12 state occurs on the withdrawing state's reenactment of the
13 compact or upon a later date determined by the interstate
14 commission.

15 2. Default. If the interstate commission determines that
16 any compacting state has at any time defaulted in the performance
17 of any of its obligations or responsibilities under this compact,
18 the bylaws or any duly promulgated rules, the interstate
19 commission may impose any or all of the following penalties:

20 A. Remedial training and technical assistance as directed
21 by the interstate commission;

22 B. Alternative dispute resolution;

23 C. Fines, fees, and costs in such amounts as are determined
24 to be reasonable as fixed by the interstate commission; and

25 D. Suspension or termination of membership in the compact.
26 Suspension is imposed only after all other reasonable means
27 of securing compliance under the bylaws and rules have been
28 exhausted and the interstate commission has determined that
29 the offending state is in default. Immediate notice of
30 suspension must be given by the interstate commission to the
31 governor, the chief justice or the chief judicial officer of
32 the state, the majority and minority leaders of the
33 defaulting state's legislature and the state council. The
34 grounds for default include, but are not limited to, failure
35 of a compacting state to perform the obligations or
36 responsibilities imposed upon it by this compact, the bylaws
37 or duly promulgated rules. The interstate commission shall
38 immediately notify the defaulting state in writing of the
39 penalty imposed by the interstate commission on the
40 defaulting state pending a resolution of the default. The
41 interstate commission shall stipulate the conditions and the
42 time period within which the defaulting state shall resolve
43 its default. If the defaulting state fails to resolve the
44 default within the time period specified by the interstate
45 commission, the defaulting state may be terminated from the
46 compact upon an affirmative vote of a majority of the
47 interstate commission.

2 compacting states and all rights, privileges and benefits
3 conferred by this compact are terminated from the effective
4 date of termination.

6 Within 60 days of the effective date of termination of a
7 defaulting state, the interstate commission shall notify the
8 governor, the chief justice or chief judicial officer, the
9 majority and minority leaders of the defaulting state's
10 legislature and the state council of such termination.

12 The defaulting state is responsible for all assessments,
13 obligations and liabilities incurred through the effective
14 date of termination including any obligations, the
15 performance of which extends beyond the effective date of
16 termination.

18 The interstate commission may not bear any costs relating to
19 the defaulting state unless otherwise mutually agreed upon
20 in writing between the interstate commission and the
21 defaulting state.

22 Reinstatement following termination of any compacting state
23 requires both a reenactment of the compact by the defaulting
24 state's legislature and the approval of the interstate
25 commission pursuant to the rules.

26 **3. Judicial enforcement.** The interstate commission may, by
27 majority vote of the members, initiate legal action in the United
28 States District Court for the District of Columbia or, at the
29 discretion of the interstate commission, in the federal district
30 where the interstate commission has its offices to enforce
31 compliance with the provisions of the compact, its duly
32 promulgated rules and bylaws against any compacting state in
33 default. In the event judicial enforcement is necessary, the
34 prevailing party must be awarded all costs of such litigation
35 including reasonable attorney's fees.

38 **4. Dissolution of compact.** The compact dissolves upon the
39 date of the withdrawal or default of the compacting state that
40 reduces membership in the compact to one compacting state. Upon
41 the dissolution of this compact, the compact becomes void and has
42 no further force or effect. The business and affairs of the
43 interstate commission must be concluded and surplus funds must be
44 distributed in accordance with the bylaws.

46 **§9912. Severability and construction -- Article 12**

48 The provisions of this compact are severable, and if any
49 phrase, clause, sentence or provision is deemed unenforceable,
50 the remaining provisions of the compact are enforceable. The

2 provisions of this compact are liberally constructed to
3 effectuate its purposes.

4 **§9913. Binding effect of compact and other laws -- Article 13**

6 1. Other laws. This compact does not prevent the
7 enforcement of any other law of a compacting state that is not
8 inconsistent with this compact. All compacting states' laws,
9 other than state constitutions and other interstate compacts,
10 conflicting with this compact are superseded to the extent of the
11 conflict.

12
13 2. Binding effect of compact. All lawful actions of the
14 interstate commission, including all rules and bylaws promulgated
15 by the interstate commission, are binding upon the compacting
16 states. All agreements between the interstate commission and the
17 compacting states are binding in accordance with their terms.

18
19 Upon the request of a party to a conflict over meaning or
20 interpretation of interstate commission actions, and upon a
21 majority vote of the compacting states, the interstate commission
22 may issue advisory opinions regarding such meaning or
23 interpretation.

24
25 If a provision of this compact exceeds the constitutional limits
26 imposed on the legislature of any compacting state, the
27 obligations, duties, powers or jurisdiction to be conferred by
28 such provision upon the interstate commission is ineffective.
29 The obligations, duties, powers or jurisdiction remains in the
30 compacting state and is exercised by the agency of the compacting
31 state to which the obligations, duties, powers or jurisdiction is
32 delegated by law in effect at the time this compact becomes
33 effective.

34
35 **Sec. 2. Legislative intent.** The text and numbering of the
36 Interstate Compact for Juveniles have been changed to conform to
37 Maine statutory conventions. The changes are technical in
38 nature, and it is the intent of the Legislature that this Act be
39 interpreted as substantively the same as the original compact.
40

41
42 **SUMMARY**

43
44 This bill creates the Interstate Compact for Juveniles,
concerning juveniles who are on probation or parole.