

# MAINE STATE LEGISLATURE

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Date: 4-17-08

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STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to S.P. 923, L.D. 2312, "Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities"

Amend the resolve by inserting before section 1 the following:

Sec. 1. Resolve 2005, c. 101, §4, repealed. Resolved: That Resolve 2005, c. 101, §4 is repealed; and be it further

Sec. 2. Resolve 2005, c. 101, §4-A, enacted. Resolved: That Resolve 2005, c. 101, §4-A is enacted to read:

Sec. 4-A. Mountain View Youth Development Center. Resolved: That, beginning on the effective date of this section, the commissioner shall within existing resources appoint a selection committee, consisting of the Associate Commissioner for Juvenile Services or the associate commissioner's designee, a juvenile prosecutor and a juvenile defense attorney. The selection committee shall recommend an appropriate guardian ad litem for each juvenile committed to the Mountain View Youth Development Center who is chosen for participation in the pilot project in section 1. The juvenile court shall give great weight to the recommendation of the selection committee in making its appointment of the guardian ad litem. The guardian ad litem selected must be on the current Maine District Court roster of guardians ad litem but may not be a member of the selection committee or the defense attorney for the juvenile. A person serving as a guardian ad litem under this resolve acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem. In consultation with the selection committee, the department shall develop and provide orientation and training specific to the role of a guardian ad litem for a juvenile committed to a juvenile correctional facility prior to the guardian ad litem's assuming the guardian's responsibilities, and the department may offer ongoing training. At least quarterly, the selection committee shall review the guardian ad litem's performance. If the selection committee determines at any time that a guardian ad litem is not performing the guardian's responsibilities appropriately, the selection committee may recommend the removal of the guardian ad litem and recommend a replacement. The juvenile court shall give great weight to the recommendations of the selection committee to remove and replace a guardian ad litem. The recommendations of the selection committee to select, remove and replace a guardian ad litem must be made by at least majority vote, and the

SENATE AMENDMENT

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SENATE AMENDMENT "A" to S.P. 923, L.D. 2312

1 court's decisions to accept or reject those recommendations are not appealable; and be it  
2 further

3 ; and be it further'

4 Amend the resolve in section 1 in the 14th line (page 1, line 24 in L.D.) by striking  
5 out the following: "; and be it further"

6 Amend the resolve by striking out all of section 2.

7 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or  
8 section number to read consecutively.

9 **SUMMARY**

10 This amendment repeals from Resolve 2005, chapter 101 the language requiring that  
11 the chief advocate of the Department of Corrections select an advocate for the Mountain  
12 View Youth Development Center and instead requires the Commissioner of Corrections  
13 to appoint a selection committee to recommend an appropriate guardian ad litem for each  
14 juvenile committed to the Mountain View Youth Development Center. This amendment  
15 also strikes the appropriations and allocations section.

16 **SPONSORED BY:** 

17 **(Senator ROTUNDO)**

18 **COUNTY: Androscoggin**

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 123rd MAINE LEGISLATURE

LD 2312

LR 3609(03)

## Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities

### Fiscal Note for House Amendment "A"

Sponsor: Rep. Webster of Freeport

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
General Fund	\$0	(\$49,429)	(\$50,686)	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	(\$49,429)	(\$50,686)	\$0

#### Fiscal Detail and Notes

This amendment eliminates the part-time advocate position and strikes the appropriation to the Department of Corrections of \$49,429 in fiscal year 2008-09 and \$50,686 in fiscal year 2009-10. As amended, the additional costs regarding the use of guardian ad litem for each juvenile participating in the pilot program at the Mountain View Youth Development Center can be absorbed by the Department of Corrections and the Judicial Department utilizing existing budgeted resources.