

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 748

S. P. 431

In Senate, February 26, 1943.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harvey of York.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE**

**AN ACT Relating to Jurisdiction of Municipal Courts in Criminal and
Juvenile Cases.**

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

Sec. 1. R. S., c. 144, § 4, amended. Section 4 of chapter 144 of the revised statutes, as revised by section 5 of chapter 118 of the public laws of 1933, and as amended, is hereby further amended to read as follows :

‘Sec. 4. Criminal jurisdiction of municipal courts; juvenile courts. Each municipal court shall have jurisdiction, concurrent with the superior court and with all other municipal courts in the counties where they are located, of all crimes and offenses including violations of any statute, or by-law of a town, village corporation or local health officer, or breaches of the peace, not punishable by imprisonment in the state prison, and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor.

~~Except as hereinafter provided~~ Judges of municipal courts within their respective jurisdictions shall have exclusive original jurisdiction over all offenses ~~other than murder, manslaughter, rape, arson, burglary and robbery~~ committed by children under the age of 17 years, and when so

exercising said jurisdiction shall be known as and denominated juvenile courts. ~~No~~ Any adjudication or judgment under the provisions of sections 5 to 5-C, inclusive, shall be that the child was guilty of juvenile delinquency and no such adjudication or judgment shall be deemed to constitute a conviction for crime, ~~but the foregoing shall not apply to sentences under paragraph 2 of section 5-B hereof.~~ Provided, however, that for the purpose of determining the guilt of any person **over the age of 17 years** charged as an accessory to any offense committed by a child under the age of 17 years, such offense shall be deemed to be the same as if committed by a person over 17 years of age.'

Sec. 2. R. S., c. 144, § 5-B, amended. Section 5-B of chapter 144 of the revised statutes, as enacted by section 5 of chapter 118 of the public laws of 1933, and as amended, is hereby further amended to read as follows:

'Sec. 5-B. Powers of court in juvenile cases. A municipal court may place children under the age of 17 years under the supervision, care, and control of a probation officer or an agent of the department of health and welfare or may order the child to be placed in a suitable family home subject to the supervision of a probation officer or the department of health and welfare or may commit such child to the department of health and welfare or make such other disposition as may seem best for the interests of the child and for the protection of the community including **holding such child for the grand jury or** commitment of such child to the Pownal state school upon certification of 2 physicians who are graduates of some legally organized medical college and have practiced 3 years in this state, that such child is mentally defective and that his or her mental age is 12 years or under, or to the state school for boys or state school for girls; but no boy shall be committed to the state school for boys who is under the age of 11 years and no girl shall be committed to the state school for girls who is under the age of 9 years, and no municipal court shall sentence a child under the age of 17 years to jail, reformatory or prison.

~~Unless the offense is aggravated or the child is of a vicious or unruly disposition no court shall sentence or commit a child under the age of 17 years to jail, reformatory, or prison, or hold such child for the grand jury.'~~