

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1106

H. P. 773

House of Representatives, March 5, 1957

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Edwards of Raymond.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Granting Juvenile Court Jurisdiction to Trial Justices.

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

Sec. 1. R. S., c. 146, § 2, amended. The 1st sentence of the 2nd paragraph of section 2 of chapter 146 of the Revised Statutes is hereby amended to read as follows:

‘Judges of municipal courts and trial justices within their respective jurisdictions shall have exclusive original jurisdiction over all offenses, except for a crime, the punishment for which may be imprisonment for life or for any term of years, committed by children under the age of 17 years, and when so exercising said jurisdiction shall be known as juvenile courts.’

Sec. 2. R. S., c. 146, § 4, amended. Section 4 of chapter 146 of the Revised Statutes is hereby amended to read as follows:

‘**Sec. 4. Hearings on juvenile cases.** Sessions of municipal courts and trial justices held under the provisions of the 2nd paragraph of section 2 and sections 4 to 7, inclusive, shall be at such times and at such places within their jurisdiction as the court may determine, and hearings may be adjourned from time to time as justice may require. In the hearing of any such case the general public shall be excluded and only such persons admitted as have a direct interest in the case. Records of such cases shall not be open to inspection by the public except by permission of the court.’

Sec. 3. R. S., c. 146, § 5, amended. Section 5 of chapter 146 of the Revised Statutes is hereby amended to read as follows:

‘**Sec. 5. Special probation officers for juveniles.** The judge of any municipal court or trial justice may appoint special probation officers to care for offenders

under the age of 17 years whenever it shall appear to him that such action will best promote the interests of all concerned. Such special probation officers shall be reimbursed by the county for actual expenses incurred in the performance of their duties.'

Sec. 4. R. S., c. 146, § 6, amended. The 1st paragraph of section 6 of chapter 146 of the Revised Statutes, as amended by section 2 of chapter 211 of the public laws of 1955, is hereby further amended to read as follows:

'A municipal court or trial justice 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 not greater than $\frac{3}{4}$ of subject's life age nor under 3 years, 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 or prison; ~~any~~. Any child or his next friend or guardian may appeal to the Superior Court in the same county in the same manner as in criminal appeals, and the court may accept the personal recognizance of such child, next friend or guardian, and said Superior Court may either affirm such sentence or order of commitment or make such other disposition of the case as may be for the best interests of such child and for the peace and welfare of the community.'