

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. 1604

House of Representatives, May 23, 1957
Filed for reproduction or printing by Mr. Tevanian of Portland.
HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

HOUSE AMENDMENT "A" to S. P. 552, L. D. 1542, Bill, "An Act Creating a State Administered Probation and Parol Law."

Amend said Bill by inserting after that part designated "Sec. 10" of section 1, the following underlined section:

'Sec. 10-A. Probation of juveniles in Cumberland county. The probation of a juvenile in Cumberland county is expressly exempted from the general law on juvenile probation and nothing in this chapter shall affect or modify any special law pertaining to the appointment of juvenile probation officers and their duties within and for Cumberland county.'

Further amend said Bill by inserting after "Sec. 34," 10 new sections, as follows:

'Sec. 34-A. Appointment approved by Judge of Superior Court or by Chief Justice of the Supreme Judicial Court. The judge of the municipal court for the city of Portland shall appoint one person as juvenile probation officer for Cumberland county, to be approved by a Judge of the Superior Court resident in Cumberland county or by the Chief Justice of the Supreme Judicial Court. Said juvenile probation officer shall be a person qualified by personality, professional training and executive or supervisory experience in a social agency using professional standards, to direct an effective probation service. Said juvenile probation officer shall act under the direction of said courts. The terms of office of said officer shall be for the period of 2 years, or until removed by the judge of said municipal court with the approval of a Judge of the Superior Court resident in said county, or of the Chief Justice of the Supreme Judicial Court. A record of said appointment and approval and of any such removal shall be made by the clerk of said Superior Court and said clerk shall notify the county commissioners and the county treasurer of the county of Cumberland of the same. Said judge of said municipal court may also appoint one person as assistant juvenile probation officer and a third person as probation clerk, to be approved in the same

manner as above provided in the case of the juvenile probation officer. The assistant juvenile probation officer shall be a person qualified by personality, professional training and experience in a social agency using professional standards, to deal with juvenile cases. Said probation clerk shall maintain accurate records of service rendered by the probation department and shall act as secretary of the department. Said assistant juvenile probation officer and probation clerk shall serve during the pleasure of said judge and shall have the same authority and powers under the direction of said juvenile probation officer as said juvenile probation officer has under sections 34-A to 34-I of this act. A record of said appointments and approval of any such removal shall be made by the clerk of said Superior Court and said clerk shall notify the county commissioners and the county treasurer of the county of Cumberland of the same. Said juvenile probation officer shall give bond to the county in such sum and with such sureties as the county commissioners of said county shall approve.

Sec. 34-B. Duty of police officers to cooperate; powers not limited to criminal matters. Said juvenile probation officer, so far as necessary in the performance of his official duties, shall have all the powers of a truant officer, police officer, constable and deputy sheriff but he shall report to the said courts, or either of them, concerning all matters committed to him, whenever required. It shall be the duty of police officials to cooperate with the said juvenile probation officer in obtaining and reporting information concerning juveniles on probation and to assist him, when called upon, in the discharge of his duties. He may also, without warrant or other process, take any juvenile placed in his care by either of said courts at any time until such juvenile is committed on mittimus in final execution of sentence and bring him before the court, or the court may issue a warrant for the re-arrest of any such juvenile; and the court may thereupon proceed to sentence, order mittimus to issue where it has been stayed or make any other lawful disposition of the case.

Sec. 34-C. Salary. The salaries of said juvenile probation officer, assistant juvenile probation officer, and probation clerk shall be determined by the judge of the municipal court for the city of Portland with the approval of a Judge of the Superior Court resident in Cumberland county or of the Chief Justice of the Supreme Judicial Court. All of said salaries shall be subject to the further approval of the county commissioners for said county of Cumberland, and shall be payable monthly in equal installments by the county treasurer of the county of Cumberland upon warrants drawn by the county commissioners of said county.

When a juvenile has been placed on probation the court may direct and authorize the juvenile probation officer to expend for the temporary support of such juvenile, or for his transportation, or for both such purposes, such reasonable sums as the court shall consider expedient and any sums so expended, together with actual disbursements for necessary expenses made by said juvenile probation officer while in the performance of his duty, shall be reimbursed to him out of the county treasury of the county of Cumberland after approval of the judge of said court when said expenditure was made by order of the judge of said court.

Sec. 34-D. Juvenile probation officer, pro-tempore. In case of the absence of said juvenile probation officer, the judge of said municipal court, or, in his ab-

sence, the recorder, or the judge of the Superior Court, as the case may be, may appoint a juvenile probation officer, pro tempore, to act during such absence, who shall have all the powers and perform all the duties of the juvenile probation officer and who shall receive compensation for each day's service, to be paid by the county treasurer of the county of Cumberland; provided, that the compensation so paid for any excess over 14 days' service in any one calendar year shall be deducted by said county treasurer from the salary of the juvenile probation officer.

Sec. 34-E. Duties. Said juvenile probation officer shall assist said courts in obtaining and furnishing information concerning previous arrests, convictions, imprisonments and other matters ordered by either of said courts relative to juveniles accused of criminal offenses, and by inquiring into the facts of every criminal case brought before said court, and may recommend that any juvenile convicted be placed upon probation. The case against any such convicted juvenile may be continued for sentence, or sentence may be imposed and mittimus stayed for any period, and on any terms the court deems best. The court may place any juvenile convicted by it in care of the juvenile probation officer for such time and upon such conditions as may seem proper. If the sentence is to pay fine and to stand committed until the same is paid, the fine may be paid to said juvenile probation officer at any time during the period of probation and said probationer shall thereby be discharged. Said officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the recorder or clerk of the court, as the case may be, within 24 hours after its receipt and shall keep on file the recorder's or clerk's receipt therefor.

Sec. 34-F. Statements of juvenile. Any juvenile arrested for a misdemeanor may make to the officer in charge of the place of custody in which he is confined a written statement, addressed to the judge of the municipal court, giving his name and address, his place of employment if any, and whether he has been arrested before within 12 months next preceding, together with a request to be released from custody. The officer who receives such statement shall endorse thereon the name of the arresting officer, and shall transmit said statement to the juvenile probation officer, who shall at once inquire as to the truth or falsity thereof, and into the record of said juvenile as to previous offenses, and shall endorse thereon over his own signature for the use of the court the result of the investigation, and the court thereupon in its discretion may direct that such juvenile be released from custody without arraignment, upon such terms and conditions as the court may deem appropriate. No officer making an arrest under the provisions of this section shall be liable for illegal arrest or imprisonment, if the juvenile arrested shall be released from custody upon his own request as herein provided.

Sec. 34-G. Records. Said juvenile probation officer shall keep full records of all cases investigated by him, and of all cases placed in his care by said courts and of any other duties performed by him under sections 34-A to 34-J of this act, and shall so arrange, consolidate and index his records, that the complete record of all the offenses of any one juvenile may be readily ascertained.

Sec. 34-H. Reports. Said juvenile probation officer shall give to the county commissioners of the county of Cumberland such information as they shall re-

quest regarding his work, and shall report to said commissioners on blanks or forms furnished by them such facts as they shall require regarding all cases brought before said courts and investigated by said officer, and regarding all cases of juveniles placed upon probation in his custody. Said commissioners shall keep a record of the same and incorporate said record in their annual report.

Sec. 34-I. Execution of sentence at any term of court, or in vacation. The juvenile probation officer may bring any respondent placed in his custody by a Justice of the Superior Court who has violated the terms of his probation before said Court, at any term, civil or criminal, in vacation, and any Justice of said Court upon being satisfied of the facts, may order the respondent to forthwith comply with the original sentence. If the cause had been continued for sentence, the Justice of said Court may, either in term or in vacation, impose sentence.

Sec. 34-J. Juvenile probation officer to be officer in all courts of the county. The juvenile probation officers provided for in sections 34-A to 34-I of this act shall serve as juvenile probation officers for all the courts in the county of Cumberland. The judges of all the municipal courts in the county of Cumberland shall have the same powers and authority as are granted to the judge of the municipal court for the city of Portland by sections 34-A to 34-J of this act, excepting the power and authority to appoint and remove said juvenile probation officer and his assistants. Such juvenile probation officer shall perform the same duties and have the same authority concerning juveniles committed to their care by any of the municipal courts within said county of Cumberland as is granted to them over persons placed in their care by the judge of the municipal court for the city of Portland. The expenses necessary or expedient for the supervision of juveniles placed in the care of said juvenile probation officers by any of the courts except the municipal court for the city of Portland and the Superior Court and for the other additional duties required of them by this section, shall be paid out of the county commissioners thereof, in addition to the expenses of said juvenile probation officers otherwise provided for by sections 34-A to 34-I of this act.'