

MAINE STATE LEGISLATURE

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

Legislative Document

No. 904

S. P. 328

In Senate, February 25, 1959.

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Lessard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Juvenile Offenders.

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

Sec. 1. R. S., c. 152-A, additional. The Revised Statutes are amended by adding a new chapter 152-A, to read as follows:

'Chapter 152-A.

Juvenile Offenders.

Sections 1- 2. Purposes and Definitions.

Sections 3-16. Jurisdiction.

Sections 17-25. Adjudication and Disposition.

Sections 26-34. Juvenile Training Centers.

Purposes and Definitions.

Sec. 1. Purpose. The purpose of this chapter is to provide that in proceedings pertaining to juveniles, as defined in section 2, and as covered by this chapter, the care, custody and discipline of said juveniles shall approximate as nearly as possible that which they should receive from their parents or custodians; and that as far as practicable, they shall be treated, not as criminals, but as young persons in need of aid, encouragement and guidance. It is further the purpose of this chapter that no juvenile shall be placed or detained in any prison or jail or detained or transported in association with any criminal, vicious or dissolute

person, unless and until such juvenile becomes subject, as provided in this chapter, to proceedings which are criminal in nature or unless otherwise specifically provided in this chapter.

Sec. 2. Definitions. The following words as used in this chapter shall, except as otherwise specially provided, have the following meanings:

“Adjudication of a commission of a juvenile offense” is the adjudication or judgment which is made by an appropriate juvenile court, or by the Superior Court in appeal cases from juvenile courts, upon its finding that a juvenile has committed any of the offenses or acts specified in this chapter. Such an adjudication shall not operate in any manner as, or to effect, a disqualification for public office nor shall it be deemed to constitute a conviction of crime. 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 juvenile, such offense shall be deemed to be the same as if committed by a person who is not a juvenile.

“Habitual truancy” means habitual and willful absence from school without sufficient excuse; or failing to attend school for 5 day sessions or 10 half-day sessions within any period of 6 months without sufficient excuse; or failing to attend school, without regular and lawful occupation, and growing up in ignorance.

“Juvenile” means a person under the age of 17 years; or a person who is alleged to have committed, while under the age of 17 years, any acts or offenses covered by this chapter regardless of whether, at the time of the proceeding, such person is of the age of 17 years or over.

..“Juvenile court” shall be the designation for the municipal court when it is exercising jurisdiction over juveniles in regard to any of the matters comprehended in this chapter. Reference in any section of any other chapter of any of the laws of Maine to “municipal courts” shall not be interpreted as referring to juvenile courts, except that chapter 108, insofar as relevant, shall apply to the municipal courts as juvenile courts.

“Juvenile offender” means any juvenile who has been found by an appropriate juvenile court to have committed any of the offenses or acts specified in this chapter.

“Mental defective,” for the purposes of this chapter only, means any juvenile afflicted with mental impairment or illness to such extent that he is incapable of managing himself and his affairs, and who, for his own welfare and the welfare of others or of the community, requires supervision, control or care.

“Mentally retarded” means, for the purposes of this chapter only, having a mental age not greater than $\frac{3}{4}$ of the subject's life and not under 3 years.

“Minority” means being under the age of 21.

Jurisdiction.

Sec. 3. Municipal court as juvenile court. Municipal courts shall have exclusive, original jurisdiction over all juveniles in relation to acts and offenses

within the scope of this chapter committed within the respective territorial jurisdictions of said courts by such juveniles. When so exercising said jurisdiction, municipal courts shall be known as juvenile courts.

Sec. 4. Offenses and acts. The exclusive, original jurisdiction of juvenile courts shall include all offenses committed by juveniles and the following conduct of juveniles: habitual truancy; behaving in an incorrigible or indecent and lascivious manner; knowingly and willfully associating with vicious, criminal or grossly immoral people; repeatedly deserting one's home without just cause; living in circumstances of manifest danger of falling into habits of vice or immorality.

Sec. 5. Ward of the State. Juvenile courts within their respective territorial jurisdictions shall have jurisdiction over all juveniles who are growing up under such circumstances that it is in the best interests of the juvenile and the community that the juvenile be removed from his home, provided, that the juvenile's parent or parents, or the juvenile's guardian or custodian consents in writing on the record of the juvenile court to the exercise of such jurisdiction by the court. When the juvenile court is exercising the jurisdiction conferred by this section, the juvenile shall not be adjudged to have committed a juvenile offense but shall be declared to be a "Ward of the State." The juvenile court may dispose of the juvenile in any way that the court deems in the best interests of the juvenile and the community, but the court shall not have the power to commit the child either to a training center or the reformatory if the juvenile court's jurisdiction is based exclusively upon its jurisdiction under this section.

Nothing contained in this chapter shall be construed to require consent to an adoption of the juvenile or to empower the juvenile court to order, or effect, an adoption of the juvenile.

Sec. 6. Uniform compact petition. Juvenile courts shall have jurisdiction over all petitions, brought under the Uniform State Compact on Juveniles, chapter 27-A, section 22, pertaining to juveniles as defined in section 2, who have been adjudged delinquent in other states, but who are found within the territorial jurisdiction of Maine, provided that the offense or act involved is of such nature that had it been committed originally in Maine it would have fallen within the jurisdiction of Maine juvenile courts.

Sec. 7. Mentally retarded juveniles and mental defectives. If, in any proceeding before a juvenile court, the court has cause to believe that the juvenile is mentally retarded, the court may require such juvenile to be tested by any qualified psychiatrist or psychologist for a determination of said juvenile's mental age, and the result of said test shall be certified to the court.

If, in any proceeding before a juvenile court, the court has cause to believe that the juvenile is a mental defective, the court may require such juvenile to be examined by 2 physicians who are graduates of an accredited medical college legally organized, and who have practiced for 3 years in the State of Maine, who shall determine and certify to the juvenile court whether or not such juvenile is a mental defective.

The expenses of any tests or examinations authorized by this section shall be paid by the county in which the juvenile court ordering such tests or examinations is sitting.

Sec. 8. Petition. Any person may make application, orally or in writing, to any juvenile court having territorial jurisdiction over the acts or offenses covered by this chapter.

Upon such application, the juvenile court shall make a preliminary inquiry examining the applicant and witnesses, if any, to determine whether the interests of the public or of the juvenile complained against require that further action be taken. At this juncture, or at any subsequent stage of the proceedings, the court may order an investigation.

If it appears that further action should be taken, the juvenile court may authorize a petition to be filed. The petition shall be filed by the applicant or the person making the investigation and it shall be verified and signed. The verification may be upon information and belief.

The petition should contain: A plain statement of the facts which bring the juvenile complained against within this chapter; the name, birthdate and residence of the juvenile; and the names and addresses of the juvenile's parent or parents or of the juvenile's legal guardian, if there is one, or of the person or persons having custody or control of the juvenile or of the nearest known relative, if no parent, guardian or person having custody can be ascertained or found.

If any of the facts required by this section are not known to the petitioner, the petition shall so state.

Any petition may be amended by the juvenile court at any stage of the proceedings, as may be appropriate to carry out the purposes of this chapter.

Sec. 9. Citation. Upon the filing of a petition with a juvenile court, a citation shall issue from the juvenile court which shall briefly set forth the substance of the petition. The citation shall issue directing the parent or parents, guardian or other person alleged to have custody or control of the juvenile complained against to appear with the said juvenile at the time and place set for hearing of the petition.

If the person cited is not a parent or guardian of the juvenile complained against, the parent or parents, guardian, or both, may, if and in such manner as the juvenile court deems appropriate, be notified of the petition and of the time and place of hearing.

The original applicant for the petition shall be cited to appear.

A citation may also be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary or proper to effectuate the purposes of this chapter.

Failure to obey a citation may be deemed by the juvenile court to be criminal contempt of court and may be punished as such by the juvenile court.

Sec. 10. Warrant. If any person fails to obey a citation, or if the juvenile court believes that a citation will be ineffective, it may issue an arrest warrant against any person cited, including the juvenile against whom the petition is filed.

Sec. 11. Service. Service of the citation shall be made upon any person within the State of Maine by having delivered in hand to said person an attested copy of the citation at least 24 hours before the time set for the hearing. Such personal service may be made by any police officer within his territorial jurisdiction or by any person duly qualified to serve civil process. Service may be made upon any persons outside the State of Maine by registered mail in such manner as the juvenile court may order, provided only that such service shall be made at least 10 days before the time set for hearing.

Sec. 12. Record. Each juvenile court shall keep a record of proceedings to be known as the "juvenile court record." It shall be separate from any municipal court records and it shall contain a brief outline and description of juvenile court proceedings, including the disposition of each case. The juvenile court record may be maintained in any place, provided that it shall not be open to the inspection of the general public. With the consent of the juvenile court, the juvenile court record may be examined by a parent, guardian or other person whom the juvenile court might deem to be directly interested. The juvenile court record may be used by probation or parole officers or other correctional authorities as a matter of course. No record of, and no testimony concerning, any proceeding under this chapter shall be competent evidence in any proceeding other than proceedings under this chapter, except that juvenile court records pertaining to motor vehicle violations by juveniles shall be made available to the Secretary of State and shall be admissible in evidence in hearings conducted by the Secretary of State regarding motor vehicle violations or motor vehicle licenses and registrations.

Sec. 13. Initiation of proceedings against juveniles. When a juvenile is apprehended, the apprehending officer shall notify, as soon as reasonably possible under all the circumstances, the parent or parents, legal guardian or other person having control of said juvenile, as well as a probation officer, of such apprehension. It shall be the duty of any officer apprehending a juvenile to apply at the earliest possible time to a juvenile court having territorial jurisdiction of the acts or offenses involved for a petition as set forth in section 8; and it shall further be the duty of such officer to notify the parent or parents, or guardian or other person having control of said juvenile, and the probation officer, of the time and place of said application.

Sec. 14. Custody of juveniles pending disposition. When any juvenile has been apprehended, the apprehending officer shall take the juvenile forthwith, without said juvenile's being committed to any place of detention, before that juvenile court having territorial jurisdiction of the acts or offenses involved which is the nearest in distance to the place of apprehension, if said court is then sitting. Said juvenile court shall thereupon determine the custody or detention to be prescribed for said juvenile, as the court may deem appropriate, pending disposition of the case by said juvenile court, including: requiring bail,

or accepting, instead of bail, the personal recognizance of the parent, legal guardian or other suitable person who has control of, or is related to, the juvenile apprehended to keep him in secure custody and to produce him before the juvenile court as said court may order. In exercising its discretion, the court may order that the juvenile be detained, pending disposition of the case, in any place deemed by the court to be suitable, including an almshouse, police station or jail. Detention in a police station or jail shall be allowed only pursuant to an order of the juvenile court and the juvenile court shall make such order only when it appears to the court to be in the best interests of the community or of the juvenile apprehended, in which event provision must be made to have the juvenile segregated from criminal offenders, and the court shall so order.

Whoever executes a recognizance and fails to keep and produce the juvenile according to its terms may be deemed guilty of criminal contempt of the juvenile court and may be punished therefor by said court.

If the juvenile court having territorial jurisdiction of the acts or offenses involved, and which is the nearest juvenile court in distance to the place of the juvenile's apprehension, is not sitting at the time the juvenile is apprehended, the apprehending officer shall forthwith, without the juvenile's being committed to any place of detention, take the juvenile under apprehension before a bail commissioner whose powers and duties shall be the same as those of the juvenile court as provided in this section. In cases in which a bail commissioner has made provision for the custody of a juvenile pending disposition of the case, it shall be the duty of the juvenile court, at the time of the application for the petition, to accept or modify the bail commissioner's determinations as the juvenile court deems appropriate.

Sec. 15. Hearings in juvenile courts. There shall be no terms of a juvenile court, but the court may assign matters for hearing at its discretion. Juvenile court hearings shall be private, shall not be criminal in nature, and shall be conducted separately from any criminal proceedings. Juvenile court hearings shall be held in a room other than a municipal courtroom wherever feasible. The judge or recorder may administer all oaths required by law.

The general public shall be excluded from all juvenile court proceedings and only those persons having a direct interest, as the juvenile court shall determine, shall be admitted to the proceedings. The juvenile may be represented by any person who is interested or by counsel.

Any person present at any juvenile court hearing who divulges or publishes any of the matters which occurred at said hearing without the consent of the juvenile court, or any person who divulges or publishes, without the consent of the juvenile court, the name of any juvenile brought, or to be brought, before a juvenile court may be found guilty by the juvenile court of criminal contempt and may be punished by the juvenile court accordingly.

Sec. 16. Procedure in juvenile courts. Hearings before a juvenile court shall be informal, requiring no formal arraignment or plea and the court shall not be bound by rules of evidence. The court may adjourn hearings from time to time and may, at any stage of the proceedings, order a probation officer, or any other

suitable person, to make such investigation as the court deems appropriate. A juvenile or his representative may not waive a hearing. A petition may be dismissed and the juvenile discharged without a hearing when the court deems it appropriate so to do. Any juvenile so discharged shall have no right of action against any person because of any proceeding in the case.

The juvenile court shall have the power to hold in criminal contempt and to punish therefor any person who willfully interferes with proceedings under, or who willfully subverts the policies and purposes of, this chapter.

Adjudication and Disposition.

Sec. 17. Juvenile court's powers of disposition. The juvenile court may:

- I. Release the juvenile by dismissing the action at any stage of the proceedings;
- II. Continue the case without hearing for not more than one year and place the juvenile on probation;
- III. Find probable cause to hold the juvenile for action by the Grand Jury within and for the same county. Such finding may be made only if the juvenile court concludes, and so states in its probable cause finding, that the juvenile is, at the time of the finding, a dangerous person and a menace to the safety of the community.

Upon a finding by the juvenile court of probable cause to hold for the Grand Jury, all subsequent proceedings in the juvenile court shall be the same as in a criminal proceeding before the municipal court upon a finding of probable cause.

IV. Adjudge that the juvenile has committed a juvenile offense in which case the juvenile court may:

- A. Commit to the reformatory, if the juvenile is of the proper age;
- B. Commit to the Dirigo Training Center or the Maine State Training Center for Girls, if the juvenile is of the proper age;
- C. Commit to the custody of the Department of Health and Welfare;
- D. Commit to the custody of a probation officer or of any special probation officer appointed by the court;
- E. Commit to the care of a family subject to supervision by a probation officer or the Department of Health and Welfare;
- F. Suspend the imposition of sentence, or continue the case for sentence, or impose sentence and suspend its execution, in each case placing the juvenile on probation;
- G. Commit, in its discretion, to Pineland Hospital and Training Center provided that the court has received a certificate, as provided in section 7, that the juvenile is mentally retarded;

H. Commit, in its discretion, to Pineland Hospital and Training Center or to either of the state hospitals for the mentally ill, provided that the court has received a certificate, as provided in section 7, that the juvenile is a mental defective; or

I. Make such other disposition of the case as may be for the best interest of both the juvenile and the community. A Juvenile Court shall have no power, under any circumstances, to sentence any juvenile to jail or prison and no juvenile may be committed to jail or prison for failure to pay any fine imposed by a juvenile court;

V. In all cases in which a juvenile is returned to a juvenile court from Dirigo Training Center or the Maine State Training Center for Girls, the juvenile court may make any of the dispositions otherwise provided in this section.

Sec. 18. The Superior Court; juveniles before it upon indictment by a Grand Jury. In cases involving juveniles which come before the Superior Court as a result of the juvenile's being bound over by the juvenile court for Grand Jury action, the Superior Court shall have jurisdiction not only of the offense for which the juvenile has been bound over but also of any offense of lesser degree contained in the original offense, and shall function in the same manner and with the same powers and duties as in criminal proceedings in the Superior Court.

Sec. 19. Right to review or appeal in juvenile cases.

I. Review of a finding by a juvenile court of probable cause to hold the juvenile for action by the Grand Jury may be had upon the presentation by the juvenile or any person acting in his behalf or in his interest, of a written petition addressed to and filed with any Justice of the Superior Court or of the Supreme Judicial Court. Said petition shall set forth a succinct summary of the pertinent facts in the proceedings before the juvenile court and shall ask that said justice review the probable cause finding by the juvenile court. The petition shall be filed prior to the first day of the term of the Superior Court to which the juvenile has been bound over for Grand Jury action and, in no event, later than 10 days after the finding of probable cause by the juvenile court. On the same day that the petition is filed with the Justice of the Superior Court or the Supreme Judicial Court, the person filing the same shall cause to be filed with the county attorney and with the juvenile court whose finding is sought to be reviewed, a copy of the petition seeking review. The Justice of the Superior or Supreme Judicial Court with whom such petition has been filed, or any other justice of said courts who has agreed to hear such petition, shall give it the highest priority and shall assign it for hearing and decide it at the earliest time reasonably possible under all the circumstances. The Justice of the Superior or of the Supreme Judicial Court shall in no manner be bound by the finding of the juvenile court but shall hear the matter de novo. After hearing, said justice shall adjudicate that the juvenile court finding of probable cause to hold the juvenile for the Grand Jury is either "affirmed" or "vacated". The decision of the Justice of the Superior or Supreme Judicial Court shall not be subject to further review. The finding of probable cause to hold for the Grand Jury, made by the juvenile court, shall remain in full force and effect unless and until there is an adjudication by a

Justice of the Superior or Supreme Judicial Court that said finding is vacated. The case shall not be submitted by the county attorney to the Grand Jury for action when a petition for review of the probable cause finding is pending, until said Justice of the Superior or Supreme Judicial Court has affirmed the juvenile court's finding of probable cause. Upon an adjudication by a Justice of the Superior or Supreme Judicial Court vacating a juvenile court finding of probable cause to hold the juvenile for the Grand Jury, the said Justice of the Superior or Supreme Judicial Court shall remand the case to the juvenile court which made the original finding of probable cause and said justice shall make such order as to him seems appropriate regarding the custody or detention of the juvenile until further action is taken by the juvenile court to which the case has been remanded. The juvenile court, after such remand by a Justice of the Superior or Supreme Judicial Court, shall thereafter dispose of the case in any manner within its power except that it may not make a finding of probable cause to hold the juvenile for action by the Grand Jury.

II. Any juvenile adjudged by the juvenile court to have committed a juvenile offense may, by his parent or parents, his next friend, guardian or attorney, appeal from such judgment or any orders based thereon, to the Superior Court within and for the same county by giving written notice of appeal to the juvenile court within 5 days next after the entry of such judgment or order. Said appeal shall be taken to the same term of the Superior Court to which an appeal from a municipal court adjudication in a criminal proceeding would be taken.

Sec. 20. Record. When notice is given of an appeal from a juvenile court's adjudication that a juvenile has committed a juvenile offense, the juvenile court shall deliver the record of proceedings in the juvenile court to the Supreme Court in the same manner and form as in appeals from municipal courts in criminal cases.

Sec. 21. Custody or detention of juvenile pending appeal.

I. Upon the filing of an appeal by a juvenile in the juvenile court, the detention custody of the juvenile, as previously ordered by the juvenile court during the pendency of the juvenile court proceeding, shall be reviewed by the juvenile court. Said custody or detention may be continued in similar form pending the appeal or may be modified to any form permissible in accordance with this chapter.

II. The Superior Court shall have the same powers as the juvenile court to continue or modify the custody or detention of the juvenile pending disposition of the appeal by the Superior Court.

Sec. 22. Hearings on appeal in Superior Court. The hearing in the Superior Court on an appeal from a juvenile court adjudication shall be informal, and all findings whether of fact or otherwise shall be made by the Superior Court sitting without a jury. Said hearing on appeal, in the Superior Court, shall be private and shall not be criminal in nature and shall be conducted by the Superior Court separately from any criminal proceeding and where feasible shall be held in a room other than a superior courtroom. The general public shall be excluded

from said hearings and only those persons deemed by the Superior Court to have a direct interest in the proceedings shall be admitted.

Any person present at any proceeding before the Superior Court in juvenile cases who divulges or publishes any of the matters which occurred at said hearing without the consent of the Superior Court, or any person who divulges or publishes without the consent of said court the name of any juvenile brought, or to be brought, before the Superior Court in a juvenile appeal case may be found guilty by the Superior Court of criminal contempt and may be punished accordingly.

Sec. 23. Disposition of juvenile appeals. The Superior Court, on an appeal from the judgment of the juvenile court, may affirm the adjudication of commission of a juvenile offense and any order based thereon; or the Superior Court may reverse said judgment and order the proceedings dismissed; or, if the Superior Court should find that the juvenile court abused its discretion in disposing of the case, the Superior Court may affirm the adjudication of commission of a juvenile offense but modify any order thereon made by the juvenile court, in which case the Superior Court shall have the same powers of disposition as are conferred on the juvenile court under section 17, subsection IV.

Sec. 24. Superior Court juvenile appeal record. The record in the Superior Court of all matters transpiring in the Superior Court in cases before the Superior Court upon an appeal from the judgment of a juvenile court shall be kept separate from the other records of the Superior Court. Said record in juvenile appeal cases shall not be open to the inspection of the general public. With the consent of the Superior Court, such record may be examined by a parent, guardian or other interested party. It may be used by probation or parole officers or other correctional authorities as a matter of course. No such record of the Superior Court concerning juvenile appeal cases may be admissible as evidence in any proceeding, other than proceedings under this chapter, except that such record pertaining to motor vehicle violations by juveniles shall be made available to the Secretary of State and shall be admissible in evidence in proceedings concerning motor vehicle violations, licenses or registrations conducted by the Secretary of State.

Sec. 25. Appeals to law court. Appeals, for the purpose only of raising questions of law, from decisions of the Superior Court rendered in cases before the Superior Court on appeal from decisions of juvenile courts, may be taken to the Supreme Judicial Court sitting as the law court in manner and form as appeals in cases in equity.

Whenever an appeal is taken in any juvenile case from the Superior Court to the Supreme Judicial Court sitting as the law court, the Superior Court shall have the same powers to provide for the custody or detention of the juvenile pending disposition of the appeal by the law court as are conferred upon the Superior Court in regard to juvenile appeal cases pending before the Superior Court.

Juvenile Training Centers.

Sec. 26. Definitions. The following words as used in sections 26 to 34 shall, except as otherwise specifically provided, have the following meanings:

“Center” means either Dirigo Training Center or the Maine State Training Center for Girls.

“Child” or “children” mean a juvenile committed to either Dirigo Training Center or the Maine State Training Center for Girls.

“Department” means the Department of Institutional Service.

“Rehabilitation” means the disciplines of education, casework, group work, psychology, psychiatry, nursing, vocational training and religion related to human relations and personality development.

Sec. 27. Training centers; establishment, location, purpose, head of. The State shall establish and maintain training centers to rehabilitate children committed thereto as juvenile offenders by the courts of the State. The training center for boys shall be known as the Dirigo Training Center, located at South Portland; the training center for girls shall be known as the Maine State Training Center for Girls, located at Hallowell. The director of each center shall be called the superintendent and shall be in constant residence at the center.

Sec. 28. Confinement; federal law. The Department of Institutional Service may contract with the Attorney General of the United States for the confinement and support in said centers for juvenile offenders against the laws of the United States in accordance with the United States Code, Title 18, Sections 706 and 707.

Sec. 29. Commitment. A boy between the ages of 11 and 17 may be committed to the Dirigo Training Center, and a girl between the ages of 9 and 17 may be committed to the Maine State Training Center for Girls, pursuant to the provisions of this chapter. All commitments of such children shall be for the term of their minority, unless sooner discharged by the superintendent; but no child shall be committed who is deaf, dumb or proper subject for Augusta State Hospital, Bangor State Hospital or Pineland Hospital and Training Center.

Sec. 30. Certification by committing judge. When any child is ordered to be committed to a center, the court by which such commitment is made shall certify on the mittimus provided, the child’s birthdate, birthplace, parentage and legal residence.

Sec. 31. Non-reception of children. When a child is ordered to be committed and the superintendent, under such rules as the Department of Institutional Service may prescribe, deems the presence of such a child injurious to the management and discipline of the center, the child may be refused admittance to said center. The superintendent shall certify the reasons for refusal upon the mittimus by which the child is held and the child shall be returned to the committing court for further disposition.

Sec. 32. Duties of the department. The Department of Institutional Service shall have all powers as to the person, property, earnings and rehabil-

itation of every child committed to the center during the term of his or her commitment, which a guardian has to his ward, and all powers which parents have over their children.

Every child committed shall be rehabilitated, under the direction of the department, until the term of the child's commitment expires, or until the child is discharged by the superintendent.

At the discretion of the department, any such child, during his or her commitment, may be kept at said center, or entrusted to the care of any suitable person; or he or she may be entrusted to the Division of Probation and Parole for a period not exceeding the term of his or her commitment, on such conditions as the superintendent may deem reasonable and proper.

The department shall require the person or divisions to whom such child is entrusted to report to said superintendent as often as required the conduct and behavior of such child and whether he or she remains under such person, and if not, where he or she is. Said superintendent shall take care that the terms of such trust are fulfilled, and the child is well treated, and if the superintendent believes that by reason of his or her misconduct, vicious inclinations or surroundings, he or she is in danger of falling into habits of vice and immorality, or that his or her welfare is in any way imperiled, the superintendent may cancel such trust and resume charge of such child with the same powers as before the trust was made. The powers of the department with respect to any child entrusted to the care of a suitable person are not affected thereby. Said superintendent may authorize any officer thereof, to entrust said children to the care and service of a suitable person or persons without indenture, to see to their welfare during such service and to require their return to said center at discretion. The superintendent shall have regard to the character of those to whom any child is entrusted.

At the discretion of the superintendent, any such child deemed to be eligible shall be granted entrance into the South Portland High School or the Hallowell High School under the same conditions as pupils residing in towns which do not maintain a standard secondary school, as provided in chapter 41, section 107, except the tuition for such child shall be paid by the said superintendent from the appropriation to the said center and shall be based on the average instructional cost per pupil for the year preceding that for which the tuition is paid to be determined as provided by chapter 41, section 108.

Sec. 33. Incurrable child; transfer to Reformatory for Men or Reformatory for Women. Any child committed to the center whose presence therein may be seriously detrimental to the well-being of the center, or who willfully and persistently refuses to obey the rules and regulations of said center may be deemed incurrable, and upon recommendation of the superintendent may be transferred to a reformatory with the approval of the commissioner, but no boy shall be transferred under the age of 15 and no girl under the age of 16. To so transfer, the superintendent shall certify that the child is incurrable upon the mittimus in the case with the recommendation that transfer to the appropriate Reformatory be effected. Upon approval by the Commissioner of Institutional Service, the transfer may be effected any time thereafter. It shall

be the duty of the officers of the reformatory to receive any person so transferred and the remainder of the original commitment shall be executed at the reformatory.

Sec. 34. Discharge. The department shall cause to be discharged all children committed to the center at the expiration of their minority and may discharge any child as rehabilitated during such child's term of commitment. A child may be discharged to the custody of the Department of Health and Welfare, in which case, the expense of his or her maintenance and education shall be borne in accordance with chapter 25, section 251, and the Department of Health and Welfare has the same powers and duties as if the child had been committed under chapter 25, section 249.'

Sec. 2. R. S., c. 25, § 353, amended. The 8th sentence of section 353 of chapter 25 of the Revised Statutes is amended to read as follows:

'The said children of said island shall be subject to all compulsory attendance laws as provided in ~~sections 89 to 97, inclusive, of~~ chapter 41, **sections 92 to 97**, except that the superintendent of the Old Town schools and the commissioner shall jointly have full authority to enforce the full provisions of said attendance laws, and for purposes of such enforcement the attendance officer for the City of Old Town shall act as attendance officer for Indian Island.'

Sec. 3. R. S., c. 27, § 52, amended. Section 52 of chapter 27 of the Revised Statutes is amended to read as follows:

'**Sec. 52. Reformatory for Women.** The State shall maintain a reformatory in which all women over the age of 16 years and under the age of 40 years **who have been adjudicated juvenile offenders, or** who have been convicted of or have pleaded guilty to crime in the courts of the State or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned **and detained** in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory. The head of the reformatory shall be a woman and be called the superintendent.'

Sec. 4. R. S., c. 27, § 54, amended. The first paragraph of section 54 of chapter 27 of the Revised Statutes is amended to read as follows:

'When, **before any court or trial justice having jurisdiction**, a woman over the age of 16 years and under the age of 40 years is **adjudicated a juvenile offender or is convicted** ~~before any court or trial justice having jurisdiction of the offense of an offense~~ punishable by imprisonment in the State Prison, or in the county jail, or in any house of correction, such court or justice may order her commitment to the Reformatory for Women, or sentence her to the punishment provided by law for the same offense.'

Sec. 5. R. S., c. 27, § 66, amended. Section 66 of chapter 27 of the Revised Statutes, as amended by section 1 of chapter 318 of the public laws of 1955, is further amended to read as follows:

'**Sec. 66. Reformatory for Men.** The State shall maintain a reformatory in which all males over the age of 16 years, except as provided in ~~section 80~~ **chapter 152-A, section 33**, and under the age of 36 years **who have been adjud-**

icated juvenile offenders, or who have been convicted of or have pleaded guilty to crime in the courts of this State or of the United States, and who have been duly sentenced and removed thereto, shall be imprisoned and detained in accordance with the sentences or orders of said courts and the rules and regulations of said reformatory. The provisions for the safekeeping or employment of such inmates shall be made for the purpose of teaching such inmates a useful trade or profession, and improving their mental and moral condition.

The head of the institution shall be called the superintendent.'

Sec. 6. R. S., c. 27, § 67, amended. The first paragraph of section 67 of chapter 27 of the Revised Statutes, as amended by section 2 of chapter 318 of the public laws of 1955, is further amended to read as follows:

'When, before any court or trial justice having jurisdiction, a male over the age of 16 years ~~except as provided in section 80~~ and under the age of 36 years is adjudicated a juvenile offender, or is convicted by any court or trial justice having jurisdiction of the offense of an offense punishable by imprisonment in the State Prison, or in any county jail or in any house of correction, such court or trial justice may order his commitment to the Reformatory for Men, or sentence him to any other punishment provided by law for the same offense; ~~provided, however, that any.~~ Any such person known by the court or trial justice having jurisdiction of the offense to have been previously committed to a State Prison shall not be committed to said reformatory. When a male is ordered committed to the Reformatory for Men, the court or trial justice ordering commitment shall not prescribe the limit thereof, but no male committed to the reformatory ~~as aforesaid~~ shall be held for more than 3 years.'

Sec. 7. R. S., c. 27, §§ 76 - 94, repealed. Sections 76 to 94 of chapter 27 of the Revised Statutes, as amended, are repealed.

Sec. 8. R. S., c. 27-A, § 1, sub-§ IV, amended. Subsection IV of section 1 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is amended to read as follows:

IV. "Juvenile" means a person under the age of 17 years or a person who is alleged to have committed, while under the age of 17 years, any acts or offenses covered by chapter 152-A regardless of whether, at the time of the proceeding, such person is of the age of 17 years or over.'

Sec. 9. R. S., c. 27-A, § 7, amended. The last sentence of the 2nd paragraph of section 7 of chapter 27-A of the Revised Statutes, as enacted by section 3 of chapter 428 of the public laws of 1957, is amended to read as follows:

'Any action required under sections 8 and 9 ~~and 10~~ may be taken by any probation-parole officer.'

Sec. 10. R. S., c. 27-A, § 10, repealed. Section 10 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957 and as amended by sections 6 and 7 of chapter 428 of the public laws of 1957, is repealed.

Sec. 11. R. S., c. 27-A, § 14, repealed. Section 14 of chapter 27-A of the Revised Statutes, as enacted by section 1 of chapter 387 of the public laws of 1957, is repealed.

Sec. 12. R. S., c. 27-A, § 15, sub-§ II, amended. Subsection II of section 15 of chapter 27-A of the Revised Statutes, as enacted by section I of chapter 387 of the public laws of 1957, is amended to read as follows:

'II. Sentence to reformatory or State School.'

Sec. 13. R. S., c. 41, §§ 89 - 91, repealed. Section 89, as amended by section 47 of chapter 364 of the public laws of 1957, and sections 90 and 91 of chapter 41 of the Revised Statutes are repealed.

Sec. 14. R. S., c. 41, § 97, amended. Section 97 of chapter 41 of the Revised Statutes, as amended by section 52 of chapter 364 of the public laws of 1957, is further amended to read as follows:

'Sec. 97. Habitual truants committed to state institutions; warrants. ~~On complaint of the attendance officer, an habitual truant, if a boy, may be committed to the state school for boys, or if a girl, to the state school for girls, or to any truant school that may hereafter be established.~~ Municipal courts and trial justices shall have jurisdiction of such complaint and of the offenses described in sections 92, 94 and 96. All warrants issued by said courts or trial justices upon such complaint, or for an offense committed under said sections, and all legal processes issued by said courts or trial justices for the purpose of carrying into effect the provisions of this section and of said sections 92, 94 and 96, may be directed to and executed by the attendance officer or either of the attendance officers of the administrative unit where the offense is committed. All fines collected under sections 94 and 96 shall be paid to the treasurer of the administrative unit in which the offense is committed, for the support of the public schools therein.'

Sec. 15. R. S., c. 145, § 5, amended. Section 5 of chapter 145 of the Revised Statutes is amended to read as follows:

'Sec. 5. Jurisdiction. The Superior Court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on municipal courts, **municipal courts acting as juvenile courts**, and trial justices, and appellate jurisdiction of these, **except that the appellate jurisdiction of the Superior Court regarding offenses of which the original exclusive jurisdiction is conferred upon municipal courts acting as juvenile courts shall be as provided in chapter 152-A.'**

Sec. 16. R. S., c. 146, § 2, amended. The last paragraph, as enacted by chapter 112 of the public laws of 1957, and the next to the last paragraph of section 2 of chapter 146 of the Revised Statutes are repealed.

Sec. 17. R. S., c. 146, §§ 4 - 6, repealed. Sections 4 to 6 of chapter 146 of the Revised Statutes, as amended, are repealed.

Sec. 18. R. S., c. 146, § 7, amended. Section 7 of chapter 146 of the Revised Statutes is amended to read as follows:

'Sec. 7. Support of child committed to custodial agency. Whenever a child under the age of 17 years is committed by the **municipal court, or the municipal court acting as a juvenile court**, to custody other than that of its parent, such

commitment shall be subject to ~~the provisions of sections 250, 251 and 252 of~~ chapter 25, **sections 250, 251 and 252**. The court may, after giving a parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and if such parent shall willfully fail or refuse to pay such sum he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.'

Sec. 19. R. S., c. 147, § 1, sub-§ II, amended. Subsection II of section 1 of chapter 147 of the Revised Statutes is amended to read as follows:

'II. In proceedings before municipal courts, **municipal courts acting as juvenile courts**, trial justices and courts martial.'