

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

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J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

CHAPTER 591

H.P. 1147 - L.D. 1590

An Act to Establish the Bureau of
Juvenile Corrections

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is a need to begin the development of the plan for a system of juvenile correction services as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-A MRSA c. 1, sub-c. IV is enacted to read:

SUBCHAPTER IVNEGOTIATIONS WITH MUNICIPALITIES IN
WHICH CORRECTIONAL FACILITIES
ARE LOCATED§1601. Negotiations with municipalities

The Commissioner of Corrections, or the commissioner's designee, shall negotiate with officials of the municipality in which correctional facilities for both juveniles and adults constructed after the effective date of this section are located to provide state reimbursement to that municipality for the net increased costs that a new correctional facility imposes on that municipality. Negotiations shall commence only upon request of municipal officials and only within 6 months after the net increased costs arise. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

1. Correctional facility. "Correctional facility" means those facilities outlined in section 1001, subsection 6.

2. Net increased costs. "Net increased costs" means the costs of those services rendered to the facility by the municipality and the costs of any adverse impact proximately caused by the operation of the facility, subtracted from the fair market value of those services rendered by the facility to the municipality.

Sec. 2. 34-A MRSA §3810, sub-§1, as amended by PL 1983, c. 581, §§52 and 59, is further amended to read:

1. Commissioner's powers. During a juvenile client's commitment to the center, the commissioner may, at his the commissioner's discretion:

A. Keep the juvenile client at the center; or

B. Upon prior mutual agreement, entrust the juvenile client, for a period not exceeding the term of his the juvenile's commitment, to the care of:

- (1) Any suitable person or persons;
- (2) The Division of Probation and Parole;
- (3) The Department of Human Services; or
- (4) Some other public or private child care agency; or
- (5) The Bureau of Juvenile Corrections.

Sec. 3. 34-A MRSA c. 6 is enacted to read:

CHAPTER 6BUREAU OF JUVENILE CORRECTIONS§6001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bureau. "Bureau" means the Bureau of Juvenile Corrections.

2. Juvenile. "Juvenile" means a person under 18 years of age or a person who is alleged to have committed or who is adjudicated as having committed, while under 18 years of age, any offense covered under Title 15, Part 6, regardless of whether at the time of the proceeding the person is 18 years of age or older.

§6002. Policy

1. Services. It is the policy of the State to provide an efficient, coordinated, comprehensive system of services to juveniles and their families in order to promote the welfare of juveniles and to protect the interests of society.

2. Principles. In providing this system of services, the following principles shall be adhered to.

A. Services shall be responsive to both the treatment and control needs of juveniles.

B. There shall be used the least restrictive alternative appropriate to the needs of the individual juvenile and the risk posed by that juvenile to society.

C. There shall be no depreciation of the seriousness of any offense a juvenile has committed.

D. Efforts shall be made to build respect for the law.

E. Procedures shall be provided that assure that the civil rights of juveniles are recognized and protected.

§6003. Establishment of bureau

1. Duties. There is established, within the Department of Corrections, the Bureau of Juvenile Corrections. The bureau shall:

A. Strengthen the capacity of families, natural helping networks, self-help groups and other community resources to support and provide services to juveniles; and

B. Facilitate the planning, promotion, coordination, delivery and evaluation of a comprehensive system of services to juveniles and their families, that system to be organized on a regional basis throughout the State.

2. Planning. The department shall develop, by no later than January 1, 1991, a plan for the implementation of a system of services. The plan shall provide for the implementation of the system of services on a region by region basis, with a comprehensive range of services being implemented in each region in turn, as well as the separation of adult and juvenile probation services, with juvenile probation service being provided through the Bureau of Juvenile Corrections. The plan shall provide for the implementation of the system of services and the separation of adult and juvenile probation services throughout the State no later than January 1, 2000.

The plan shall address, but not be limited to, the following:

A. Services necessary to prevent juveniles from coming into contact with the juvenile criminal justice system, including advocacy services designed to lead to the development of community resources;

B. Intake services;

C. Services to divert juveniles who have come into contact with the juvenile criminal justice system out of that system, including advocacy services designed to lead to the development of community resources;

D. Detention services for juveniles, including both physically secure detention and staff secure detention;

E. Diagnostic evaluation services ordered by the Juvenile Court;

F. Predispositional investigations for the Juvenile Court;

G. Classification and case planning service to determine the risks posed to society by and the treatment needs of individual juveniles;

H. Juvenile probation and intensive supervision services;

I. Supervision services for juveniles who have been placed in the community by the department, whether the placement is residential or nonresidential, including placement on leave or on entrustment from a residential facility;

J. Residential community care services, including foster home placement, group home placement and shelter placement;

K. Nonresidential community care services, including psychological counseling, substance abuse counseling, sex offender counseling, tracker services and day care services;

L. Work and vocational services;

M. Educational services;

N. Secure, including physically secure and staff secure, and nonsecure residential facilities;

O. Voluntary services for juveniles who have been discharged from commitment to the department, who have completed the period of probation or intensive supervision, or who have otherwise been released from the control or supervision of the department; and

P. Any other service provided for in this Title, in Title 15, Part 6, or in any other law, which service is designed to prevent juveniles from coming into contact with the juvenile criminal justice system or to deal with those juveniles who do come into contact with the juvenile criminal justice system.

3. Direction. The bureau shall be under the direction of an associate commissioner of the department, who shall report directly to the commissioner.

4. Employees. The bureau shall consist of such employees as may be necessary to carry out its duties and functions.

Sec. 4. 34-B MRSa c. 1, sub-c. IV is enacted to read:

SUBCHAPTER IV

NEGOTIATIONS WITH MUNICIPALITIES IN WHICH STATE INSTITUTIONS ARE LOCATED

§1602. Negotiations with municipalities

The Commissioner of Mental Health and Mental Retardation, or the commissioner's designee, shall negotiate with officials of the municipality in which state institutions for both juveniles and adults constructed after the effective date of this section are located to provide state reimbursement to that municipality for the net increased costs that a new state institution imposes on that municipality. Negotiations shall commence only upon request of municipal officials and only within 6 months after the net increased costs arise. As used in this section, unless the context otherwise indicates the following terms have the following meaning:

1. State institution. "State institution" means those facilities outlined in section 1001, subsection 8.

2. Net increased costs. "Net increased costs" means the costs of those services rendered to the facility by the municipality and the costs of any adverse impact proximately caused by the operation of the facility, subtracted from the fair market value of those services rendered by the facility to the municipality.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
CORRECTIONS, DEPARTMENT OF		
Bureau of Juvenile Corrections		
Positions	(2)	(2)
Personal Services	\$41,627	\$57,722
All Other	1,500	2,000
Provides funds for planning and clerical capability to allow the Department of Corrections to establish the Bureau of Juvenile Corrections and to plan implementation of the Juvenile Corrections Planning Commission recommendations.		
DEPARTMENT OF CORRECTIONS		
TOTAL	<u>\$43,127</u>	<u>\$59,722</u>

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective August 23, 1989.

CHAPTER 592

H.P. 1291 - L.D. 1784

An Act to Improve Enforcement of Liquor Licensure Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law is, in some instances, inadequate to prevent issuance of a liquor license to a person acting on behalf of another who is ineligible for a liquor license; and

Whereas, issuance of a liquor license in these instances is tantamount to issuing the license to an ineligible person to whom current law denies a license for reasons of public safety; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-A MRSA §601, sub-§2, ¶¶G and H, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

G. The applicant was denied a license within the 6 months before the application was filed, unless the commission's denial of the license is overruled by the court under an appeal provided by section 805; ~~or~~

H. The applicant is the husband, wife, father, mother, child or other close relation of a person whose license or application for a license for the same premises was revoked by the Administrative Court Judge or denied by the commission within the 6 months before the application was filed: ; ~~or~~

Sec. 2. 28-A MRSA §601, sub-§2, ¶I is enacted to read:

I. The commission determines that the purpose of the application is to circumvent the provisions of this section.

Sec. 3. 28-A MRSA §653, sub-§2, ¶¶D and E, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; ~~and~~

E. A violation of any provision of this Title: ; ~~and~~

Sec. 4. 28-A MRSA §653, sub-§2, ¶F is enacted to read: