

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

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

**Sec. 1. 38 MRSA §585-D**, as amended by PL 1997, c. 364, §§37 and 38, is further amended to read:

**§585-D. New motor vehicle emission standards**

Subject to the provisions of this section, the Board may adopt and enforce standards that meet the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 relating to control of emissions from new motor vehicles or new motor vehicle engines. These standards, known as a "low-emission vehicle program," must be designed to prevent air pollution and achieve and maintain ambient air quality standards within the State. ~~The board may implement a low emission vehicle program only when:~~

~~1. **New England states adoption.** Massachusetts, Connecticut and at least one other New England state, excluding this State, have adopted a low-emission vehicle program that meets the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 and the first motor vehicle model year that is required to meet standards under the low emission vehicle program in Maine is not an earlier model year than the first model year required to meet standards under a low-emission vehicle program in any of those 3 New England states; and~~

~~2. **Ozone transport region adoption.** Jurisdictions comprising more than 60% of the total registrations of new passenger cars in the ozone transport region have adopted a low emission vehicle program that meets the requirements of the federal Clean Air Act, Section 177, 42 United States Code, Section 7507 and the first model year required to meet standards under the low emission vehicle program in any of those states is not later than motor vehicle model year 2000. For purposes of this paragraph, "ozone transport region" means the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, and the consolidated metropolitan statistical area that includes the District of Columbia.~~

The department may not implement the low-emission vehicle program if the implementation of that program includes the adoption, sale, or use of any type of the reformulated gasoline other than the federal reformulated gasoline that is certified by the United States Environmental Protection Agency under 42 United States Code, Section 7545(k) approved for sale and use in states other than California.

~~The commissioner shall complete a study of zero-emission vehicles and submit a report to the joint standing committee of the Legislature having jurisdic-~~

~~tion over natural resources matters no later than January 1, 2000. By December 1, 2000, the board shall evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000. This study evaluation must include an examination of zero-emission vehicle technology, price, performance and consumer acceptability and implementation issues relating to use of those vehicles in the State. The study must recommend any rulemaking necessary for the board to establish a zero-emission vehicle program that is appropriate for the State and a schedule that provides the automobile manufacturers with a minimum 2-year lead time prior to implementation of such a program. Any rules establishing~~ Following this evaluation, any rule adopted by the board containing a zero-emission vehicle program are mandate is a major substantive rule pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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**CHAPTER 583**

**S.P. 896 - L.D. 2315**

**An Act to Amend the Department of Corrections Statutes**

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

**Sec. 1. 14 MRSA §5545, 2nd ¶**, as amended by PL 1989, c. 722, §4 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

Whenever, under this section or under any other section in this chapter, a court issues a writ of habeas corpus ordering before it a prisoner confined in any penal or correctional institution under the control of the Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department of Corrections, or confined in any county jail, its order as to the transportation of the prisoner to and from the court ~~shall~~ must be directed to the sheriff of the county in which the court is located. It ~~shall be~~ is the responsibility of the sheriff or any one or more of the sheriff's authorized deputies pursuant to any such order to safely transport a prisoner to and from the court and to provide safe and secure custody of the prisoner during the proceedings, as directed by the court. At the time of removal of a prisoner from an institution, the transporting officer shall leave with the head of the institution an attested copy of the order of the court, and upon return of the prisoner shall note that return on the copy. This paragraph as it relates to the responsibility for transportation ~~shall be~~ is applicable to the transportation of prisoners transferred from the county jail to the State Prison under Title 15, section 453, and to transfers from the county jail to

any other county jail or to a state correctional facility under Title 30-A, section 1656.

**Sec. 2. 15 MRSA §453**, as amended by PL 1969, c. 506, §1, is repealed.

**Sec. 3. 34-A MRSA §1403, sub-§10**, as enacted by PL 1993, c. 682, §1 and amended by PL 1999, c. 401, Pt. J, §4, is further amended to read:

**10. Client benefit welfare account.** The commissioner shall provide an accounting of all inmate client benefit welfare accounts ~~and of the student welfare fund at the Southern Maine Juvenile Facility~~ each fiscal year to the joint select committee of the Legislature having jurisdiction over corrections matters. The annual accounting must include total income for the year, total expenditures for the year, anticipated capital and operating expenditures from these accounts in the next fiscal year and balances in the accounts. Nothing in this subsection may change the nature of these accounts as internal management tools.

**Sec. 4. 34-A MRSA §1403, sub-§11** is enacted to read:

**11. Contracting agent.** The chief administrative officer is the contracting agent for all sales of articles from a correctional facility and for all other contracts made on behalf of the correctional facility except those made by the State Purchasing Agent.

A. All contracts must be made in the manner prescribed by the commissioner.

B. A contract may not be accepted by the chief administrative officer, unless the contractor gives satisfactory security for its performance.

C. An employee of the correctional facility may not be directly or indirectly interested in any contract.

**Sec. 5. 34-A MRSA §3001, sub-§1**, as amended by PL 1991, c. 314, §26, is further amended to read:

**1. Appointment.** The commissioner may appoint chief administrative officers as necessary for the proper performance of the functions of the department, subject to the Civil Service Law.

A. To be eligible for appointment as a chief administrative officer, a person must be experienced in the management of the particular type of facility to which that person is assigned.

B. Chief administrative officers shall report directly to the commissioner or to an associate commissioner if so directed by the commissioner.

**Sec. 6. 34-A MRSA §3003, sub-§4** is enacted to read:

**4. Disclosure of information.** Nothing in this section permits or requires the disclosure of information to the extent it is designated confidential by another provision of law.

**Sec. 7. 34-A MRSA §3008**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 8. 34-A MRSA §3031, sub-§2**, as amended by PL 1995, c. 462, Pt. D, §6, is further amended by adding at the end a new blocked paragraph to read:

A person who has not attained 18 years of age but who is residing in a correctional facility pursuant to a conviction as an adult may consent to necessary medical care as if the person had attained 18 years of age.

**Sec. 9. 34-A MRSA §3032, sub-§3**, as amended by PL 1989, c. 127, §6 and PL 1999, c. 401, Pt. J, §4, is further amended by amending the first paragraph to read:

**3. Segregation.** The imposition of segregation at all correctional facilities, ~~except the Southern Maine Juvenile Facility~~ juvenile correctional facilities, shall be subject to the following conditions.

**Sec. 10. 34-A MRSA §3032, sub-§5, ¶A**, as amended by PL 1985, c. 352, §3 and PL 1999, c. 401, Pt. J, §4, is further amended to read:

A. Punishment at all correctional facilities, ~~except the Southern Maine Juvenile Facility~~ juvenile correctional facilities, may consist of warnings, loss of privileges, restitution, labor at any lawful work, confinement to a cell, segregation or a combination of these.

**Sec. 11. 34-A MRSA §3032, sub-§5, ¶B**, as amended by PL 1991, c. 314, §37 and PL 1999, c. 401, Pt. J, §4, is further amended to read:

B. Punishment at ~~the Southern Maine Juvenile Facility~~ juvenile correctional facilities and any detention facility may consist of warnings, restitution, labor at any lawful work and loss of privileges.

**Sec. 12. 34-A MRSA §3035-A**, as enacted by PL 1989, c. 587, §1, is repealed.

**Sec. 13. 34-A MRSA §3036, sub-§2**, as amended by PL 1991, c. 314, §41, is further amended to read:

**2. Participation.** Clients at any correctional ~~or detention facility or at any county jail~~ may be paroled,

furloughed, transferred or entrusted to participate in the halfway house program in accordance with applicable provisions of law.

**Sec. 14. 34-A MRSA §3063, sub-§1**, as repealed and replaced by PL 1995, c. 368, Pt. R, §11, is amended to read:

**1. Transfer of prisoner.** The commissioner may transfer a prisoner serving a sentence in a correctional facility to a county jail, upon the request of the ~~commissioner~~ chief administrative officer and the approval of the sheriff of the jail.

**Sec. 15. 34-A MRSA §3071, sub-§2**, as amended by PL 1991, c. 314, §59, is further amended to read:

**2. Contagious diseases.** If a ~~pestilence or contagious disease breaks out among the clients~~ client in any correctional or detention facility ~~or county jail~~ requires medical care outside the facility, the commissioner may:

A. Cause ~~any of the clients~~ client to be removed to some suitable place of security where ~~they~~ the client will receive all necessary care and medical attention; and

B. Cause the client ~~or clients~~ to be returned as soon as possible to the ~~jail or institution~~ facility to be confined according to ~~their sentences~~ the sentence, if unexpired.

**Sec. 16. 34-A MRSA §3201**, as amended by PL 1997, c. 752, §35, is repealed.

**Sec. 17. 34-A MRSA §3201-A** is enacted to read:

#### **§3201-A. Establishment**

The Maine State Prison in Knox County is established for the confinement and rehabilitation of persons lawfully in the custody of the department, as provided by law.

**Sec. 18. 34-A MRSA §3231**, as amended by PL 1991, c. 310, is repealed and the following enacted in its place:

#### **§3231. Warden**

**1. Chief administrative officer.** The chief administrative officer of the Maine State Prison is called the warden.

**2. Duties.** In addition to other duties set out in this Title, the warden shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the prison.

**3. Powers.** In addition to other powers granted in this Title, the warden has the following powers.

A. The warden may appoint deputy wardens, subject to the Civil Service Law. A deputy warden designated by the warden has the powers, duties, obligations and liabilities of the warden when the warden is absent from the prison location or is unable to perform the duties of the office.

B. The warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to the United States Code, Title 18, Section 4002, for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States, and may receive and detain such persons pursuant to the contracts.

**Sec. 19. 34-A MRSA §3232**, as amended by PL 1985, c. 785, Pt. B, §155, is repealed.

**Sec. 20. 34-A MRSA §3235**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 21. 34-A MRSA §3261**, as amended by PL 1993, c. 337, §1, is further amended to read:

#### **§3261. Delivery to the prison**

When a ~~committed offender~~ person is convicted and sentenced to the Department of Corrections, department and is to be transported to the prison from any county:

**1. Duties of commissioner.** The commissioner shall immediately notify the warden and the sheriff of the county in which the sentencing court is located;

**2. Duties of the sheriff.** The sheriff of the county in which the sentencing court is located shall:

A. Transport the ~~convict~~ person to the prison, using a sufficient number of ~~his~~ the sheriff's appointed deputies when necessary; and

B. Deliver the ~~convict~~ person to the officer in charge of the prison between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements for an alternative time have been made with the warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

**3. Duties of the jail keeper.** When, during the conveyance of a ~~convict~~ person to the prison in pursuance of ~~his~~ that person's sentence, it is necessary or convenient to lodge ~~him~~ the person for safekeeping

in a jail until the remainder of the conveyance can be conveniently performed, the keeper of the jail shall:

A. Receive and safely keep and provide for the ~~convict person~~, reasonable charges and expenses for this service to be paid from the State Treasury; and

B. Deliver the ~~convict person~~ to the custody of the ~~person deputy~~ employed to convey ~~him the person~~, when that ~~person deputy~~ calls for the ~~convict person~~; and

**4. Duties of the warden.** The warden shall:

A. File the warrant and record, as provided by Title 15, section 1707, with ~~his the warden's~~ return ~~thereon on the warrant~~ in ~~his the warden's~~ office; and

B. Cause a copy of the warrant of commitment to be filed in the office of the clerk of court from which it was issued.

**Sec. 22. 34-A MRSA §3264**, as enacted by PL 1983, c. 459, §6, is amended to read:

**§3264. Conditions of imprisonment**

Prisoners in the prison, ~~including prisoners transferred under section 3066~~, shall work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison.

**Sec. 23. 34-A MRSA §3265**, as enacted by PL 1983, c. 459, §6, is repealed.

**Sec. 24. 34-A MRSA §3266, sub-§§2, 3 and 4**, as enacted by PL 1983, c. 459, §6, are repealed.

**Sec. 25. 34-A MRSA §3266, sub-§5**, as enacted by PL 1983, c. 459, §6, is amended to read:

**5. Escape.** Prisoners who escape from the Maine State Prison minimum security unit, ~~or from land leased by the warden while they are in training or employed under programs established under subsection 2~~, are guilty of escape as if the escape were from the confines of the prison and are punishable in accordance with Title 17-A, section 755.

**Sec. 26. 34-A MRSA §3407**, as amended by PL 1993, c. 337, §2, is further amended to read:

**§3407. Delivery to the center**

When a person is convicted and sentenced to the department and is to be transported to the center from any county:

**1. Duties of commissioner.** The commissioner shall immediately notify the superintendent and the sheriff of the county in which the sentencing court is located;

**2. Duties of the sheriff.** The sheriff of the county in which the sentencing court is located shall:

A. Transport the ~~convict person~~ to the center, using a sufficient number of ~~his the sheriff's~~ appointed deputies when necessary; and

B. Deliver the ~~convict person~~ to the officer in charge of the center between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements are made and approved by the superintendent, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

**3. Duties of the jail keeper.** When, during the conveyance of a ~~convict person~~ to the center pursuant to ~~his the person's~~ sentence, it is necessary or convenient to lodge ~~him the person~~ for safekeeping in a jail until the remainder of the conveyance can be conveniently performed, the keeper of the jail shall:

A. Receive and safely keep and provide for the ~~convict person~~ reasonable charges and expenses for this service to be paid from the State Treasury; and

B. Deliver the ~~convict person~~ to the custody of the ~~person deputy~~ employed to convey ~~him the person~~, when that ~~person deputy~~ calls for the ~~convict person~~; and

**4. Duties of the superintendent.** The superintendent shall:

A. File the warrant and record, as provided by Title 15, section 1707, with ~~his the superintendent's~~ return ~~thereon on the warrant~~ in ~~his the superintendent's~~ office; and

B. Cause a copy of the warrant of commitment to be filed in the office of the clerk of court from which it was issued.

**Sec. 27. 34-A MRSA §3602**, as enacted by PL 1983, c. 459, §6, is amended to read:

**§3602. Purposes**

The purposes of the Charleston Correctional Facility include vocational and academic education, rehabilitative programs including work release and work involving public restitution.

**Sec. 28. 34-A MRSA c. 3, sub-c. V** is amended by repealing the subchapter headnote and enacting the following in its place:

**SUBCHAPTER V****SOUTHERN MAINE JUVENILE FACILITY**

**Sec. 29. 34-A MRSA §3801, first ¶**, as enacted by PL 1983, c. 459, §6 and amended by PL 1999, c. 401, Pt. J, §4, is further amended to read:

The State shall maintain the Southern Maine Juvenile Facility, referred to in this subchapter as the "facility," located at South Portland.

**Sec. 30. 34-A MRSA §3801, sub-§§1 and 2**, as enacted by PL 1983, c. 459, §6, are amended to read:

**1. Coeducational.** The ~~center shall~~ facility must be coeducational.

**2. Separate housing.** The ~~center shall~~ facility must fully separate the housing facilities for boys and girls.

**Sec. 31. 34-A MRSA §3805**, as amended by PL 1991, c. 311, §2 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

**§3805. Commitment**

**1. Eligibility.** Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of commitment may be committed to the center facility pursuant to this subchapter and Title 15, Part 6.

**2. Limitations.** ~~No~~ A person may not be detained at or committed to the center facility who is blind or who is a proper subject for any residential services provided by or through the Department of Mental Health, Mental Retardation and Substance Abuse Services.

**3. Certification.** When a person is detained at or committed to the center facility, the court making the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

**Sec. 32. 34-A MRSA §3809-A**, as amended by PL 1999, c. 401, Pt. J, §4 and c. 510, §5, is further amended to read:

**§3809-A. Commissioner's guardianship powers**

**1. Juvenile client.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client has at the Southern Maine Juvenile Facility, earnings that the juvenile client receives during the juvenile client's stay at the Southern Maine Juvenile Facility and the rehabilitation of every juvenile client. If a juvenile

client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the center facility until the expiration of the period of commitment or until discharge from the center facility.

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the center facility until release from the center facility.

**Sec. 33. 34-A MRSA §3810, sub-§1**, as amended by PL 1997, c. 464, §14, is further amended to read:

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

A. Keep the juvenile client at the center facility; or

B. Place the juvenile client on aftercare status for a period not exceeding the term of the juvenile's commitment.

**Sec. 34. 34-A MRSA §3810, sub-§4**, as amended by PL 1997, c. 464, §14, is further amended to read:

**4. Cancellation.** If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the center facility, the commissioner may cancel the aftercare status and resume charge of the client with the same powers as before the placement on aftercare status was made.

**Sec. 35. 34-A MRSA §3811**, as amended by PL 1997, c. 464, §15, is further amended to read:

**§3811. Return to facility**

When a juvenile client who has been placed on aftercare status, who has been granted a furlough or work or education release or who has been absent from the center facility without leave is taken into custody for the purpose of return to the center facility by an officer or employee of the center facility, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and because of the juvenile client's distance from the center facility at the time of being taken into custody, it becomes necessary to detain the client overnight:

**1. Temporary detention.** The juvenile client may be temporarily detained in a county jail; and

**2. Return.** The juvenile client ~~shall~~ must be returned to the ~~center~~ facility on the day after being taken into custody, except that, if traveling conditions are unsafe, the client ~~shall~~ must be returned to the ~~center~~ facility at the earliest possible time.

**Sec. 36. 34-A MRSA §3812**, as amended by PL 1995, c. 502, Pt. F, §29, is further amended to read:

**§3812. Discharge**

**1. Duty.** The superintendent shall cause a juvenile client to be discharged from the ~~center~~ facility:

A. When the client becomes 21 years of age or otherwise reaches the end of the period of the Juvenile Court's commitment.

**2. Power.** The superintendent may cause a juvenile client to be discharged from the ~~center~~ facility when the superintendent determines that discharge is in the best interest of the client or that the client has benefited optimally from the services and facilities of the ~~center~~ facility.

**Sec. 37. 34-A MRSA §3813**, as enacted by PL 1987, c. 585 and amended by PL 1999, c. 401, Pt. J, §4, is further amended to read:

**§3813. Power of facility employees**

The Southern Maine Juvenile Facility employees have the same power as sheriffs in their respective counties to search for and apprehend escapees from the ~~center~~ facility, when authorized to do so by the superintendent.

**Sec. 38. 34-A MRSA §3815, sub-§1**, as enacted by PL 1991, c. 764, §2 and amended by PL 1999, c. 401, Pt. J, §4, is further amended to read:

**1. Purpose.** The Arthur R. Gould School, located at the Southern Maine Juvenile Facility, is devoted to the education and instruction of persons residing at the ~~center~~ facility.

**Sec. 39. 34-A MRSA §4102, sub-§§2 and 3**, as enacted by PL 1991, c. 400, are amended to read:

**2. Diagnostic evaluation.** To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A and court-ordered examinations pursuant to Title 15, section 3318; ~~and~~

**3. Confinement.** To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H;

**Sec. 40. 34-A MRSA §4102, sub-§§4 and 5** are enacted to read:

**4. Rehabilitation.** To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F; and

**5. Protection.** To protect the public from dangerous juveniles.

**Sec. 41. 34-A MRSA §4102**, as amended by PL 1997, c. 752, §41 and PL 1999, c. 401, Pt. J, §6, is further amended by adding at the end a new paragraph to read:

To accomplish the purposes set out in this section, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, applied technology training and religion as they are related to human relations and personality development must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

**Sec. 42. 34-A MRSA §4104**, as amended by PL 1999, c. 260, Pt. A, §11 and c. 401, Pt. J, §6, is further amended to read:

**§4104. Detention**

**1-A. Eligibility.** Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of commitment may be committed to the Northern Maine Juvenile Facility pursuant to this subchapter and Title 15, Part 6.

**2. Limitations.** No A person may not be detained at or committed to the Northern Maine Juvenile Facility who is blind or who is a proper subject for any residential services provided by or through the Department of Mental Health, Mental Retardation and Substance Abuse Services.

**3. Certification.** When a person is detained at or committed to the Northern Maine Juvenile Facility, the court ordering the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

**Sec. 43. 34-A MRSA §4109**, as enacted by PL 1991, c. 400 and amended by PL 1999, c. 401, Pt. J, §6, is repealed.

**Sec. 44. 34-A MRSA §4111**, as enacted by PL 1997, c. 752, §42, is repealed and the following enacted in its place:

**§4111. Powers of commissioner**



**1. Juvenile client.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client has at the Northern Maine Juvenile Facility, earnings that the juvenile client receives during the juvenile client's stay at the Northern Maine Juvenile Facility and the rehabilitation of every juvenile client. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the Northern Maine Juvenile Facility until the expiration of the period of commitment or until discharge from the Northern Maine Juvenile Facility.

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the Northern Maine Juvenile Facility until release from the Northern Maine Juvenile Facility.

**Sec. 45. 34-A MRSA §§4112 to 4116** are enacted to read:

**§4112. Aftercare status**

**1. Commissioner's powers.** During a juvenile client's commitment to the Northern Maine Juvenile Facility, the commissioner may, at the commissioner's discretion:

A. Keep the juvenile client at the Northern Maine Juvenile Facility; or

B. Place the juvenile client on aftercare status for a period not exceeding the term of the juvenile's commitment.

**2. Reports.** As often as the commissioner requires, the person or agency caring for the juvenile client while on aftercare status shall report to the commissioner:

A. The progress and behavior of the juvenile client, whether or not the juvenile client remains under the care of the person or agency; and

B. If the juvenile client is not under the care of the person or agency, where the client is.

**3. Facility services.** The commissioner shall provide aftercare services to a juvenile client.

**4. Cancellation.** If the commissioner is satisfied at any time that the welfare of the juvenile client will be promoted by return to the Northern Maine Juvenile Facility, the commissioner may cancel the aftercare status and resume charge of the client with the same powers as before the placement on aftercare status was made.

**§4113. Return to the facility**

When a juvenile client who has been placed on aftercare status, who has been granted a furlough or work or education release or who has been absent from the Northern Maine Juvenile Facility without leave is taken into custody for the purpose of return to the Northern Maine Juvenile Facility by an officer or employee of the Northern Maine Juvenile Facility, at the direction of the commissioner, or by a law enforcement officer, at the request of the commissioner, and, because of the juvenile client's distance from the Northern Maine Juvenile Facility at the time of being taken into custody, it becomes necessary to detain the client overnight:

**1. Temporary detention.** The juvenile client may be temporarily detained in a county jail; and

**2. Return.** The juvenile client must be returned to the Northern Maine Juvenile Facility on the day after being taken into custody, except that, if traveling conditions are unsafe, the client must be returned to the Northern Maine Juvenile Facility at the earliest possible time.

**§4114. Discharge**

**1. Duty.** The director shall cause a juvenile client to be discharged from the Northern Maine Juvenile Facility when the client becomes 21 years of age or otherwise reaches the end of the period of the Juvenile Court's commitment.

**2. Power.** The director may cause a juvenile client to be discharged from the Northern Maine Juvenile Facility when the director determines that discharge is in the best interest of the client or that the client has benefited optimally from the services and facilities of the Northern Maine Juvenile Facility.

**§4115. Federal juvenile offenders**

The commissioner may contract with the Attorney General of the United States for the confinement and support in the Northern Maine Juvenile Facility of juvenile offenders against the laws of the United States in accordance with 18 United States Code, Sections 706 and 707.

**§4116. Department of Human Services' custody**

**1. Suspension.** When the custody of a juvenile at the time of commitment is in the Department of Human Services, that custody must be temporarily suspended while the juvenile is in the Northern Maine Juvenile Facility.

**2. Reversion.** Upon discharge or placement on aftercare status from the Northern Maine Juvenile Facility, the custody of the juvenile reverts to the Department of Human Services, if the juvenile is still under 18 years of age.

**Sec. 46. 34-A MRSA §5602**, as amended by PL 1997, c. 464, §16 and PL 1999, c. 401, Pt. J, §4, is further amended to read:

**§5602. Juvenile community corrections officer**

**1. Departmental employees.** A juvenile ~~ease-~~worker community corrections officer is an employee of the Department of Corrections.

**2. Juvenile community corrections officer's functions.** A juvenile ~~easeworker's~~ community corrections officer's functions are:

- A. To serve as a juvenile probation officer;
- B. To carry out all functions of a juvenile ~~ease-~~worker community corrections officer delineated in the Maine Juvenile Code, Title 15, Part 6; and
- C. To provide appropriate services to juveniles committed to ~~the Maine Youth Center~~ a juvenile correctional facility who are in the community on aftercare status.

**3. Juvenile community corrections officer's duties.** A juvenile ~~easeworker~~ community corrections officer shall:

- A. When directed, ~~provided~~ provide information to ~~the Southern Maine Juvenile Facility~~ a juvenile correctional facility on juveniles committed to the ~~Southern Maine Juvenile Facility~~ juvenile correctional facility;
- B. Make such investigations as the Juvenile Court may direct and shall keep written records of the investigations as the Juvenile Court may direct;
- C. Use all suitable means, including counseling, to aid each juvenile under ~~his~~ the juvenile community corrections officer's supervision and shall perform such duties in connection with the care and custody of juveniles as the court may direct;
- D. Keep informed as to the condition and conduct of each juvenile placed under ~~his~~ the juvenile community corrections officer's supervision and shall report on the condition and conduct to

the court and to the department as the court or department may direct;

E. When a juvenile is placed under ~~his~~ the juvenile community corrections officer's supervision, give the juvenile a written statement of the conditions of ~~his~~ the supervision and shall fully explain the conditions to ~~him~~ the juvenile; and

F. Keep complete records of all work done.

**4. Juvenile community corrections officer's powers.** Juvenile ~~easeworkers~~ community corrections officers have the same arrest powers as other law enforcement officers with respect to juveniles placed under their supervision.

**Sec. 47. Report.** The Department of Corrections shall report its progress in implementing the recommendations of the study group to review procedures and consider improvements in juvenile and adult probation services to the joint standing committee of the Legislature having jurisdiction over corrections matters by April 15, 2001.

See title page for effective date.

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**CHAPTER 584**

**H.P. 1820 - L.D. 2554**

**An Act to Implement the  
Recommendations of the Joint  
Standing Committee on Utilities and  
Energy Arising from its State  
Government Evaluation Act Review  
of the Public Utilities Commission**

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

**Sec. 1. 35-A MRSA §120**, as amended by PL 1991, c. 9, Pt. E, §22, is further amended to read:

**§120. Annual report**

The commission shall report annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over public utilities on:

**1. Budget.** The commission's planned expenditures for the year and its use of funds in the previous year, including the expenditures from the Public Utilities Commission Regulatory Fund as established pursuant to section 116; ~~and~~

**2. Various fees.** The waiver, exemption, receipt and expenditure of any filing fees, expenses, reimbursements or fines collected under this Title, on a case-by-case basis;