

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 142

S.P. 397 - L.D. 1192

An Act To Enhance Juvenile Rehabilitation

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

Sec. 1. 15 MRSA §3304, sub-§6-A, as amended by PL 1987, c. 720, §2, is further amended to read:

6-A. Attendance of parent, guardian or legal custodian; contempt. The parent, guardian or legal custodian shall appear in response to the summons served pursuant to subsection 5 and shall attend all proceedings concerning the juvenile. The failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, ~~shall~~ may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in section 3314, subsection 1, paragraphs C-1 and C-2.

A. The court may excuse the attendance of a parent, guardian or legal custodian at a particular proceeding or all proceedings for good cause or if appearing in court will result in undue hardship to the parent, guardian or legal custodian.

B. If the parent, guardian or legal custodian fails to appear with the juvenile and the court has not found good cause for not appearing, the court, after notice and hearing on the issue of contempt, may find the parent, guardian or legal custodian in contempt of court in accordance with the Maine Rules of Criminal Procedure, Rule 42(d).

C. This subsection does not create a right for the juvenile to have the juvenile's parent, guardian or legal custodian present at any proceeding or court-ordered program that the juvenile attends or is required to attend.

Sec. 2. 15 MRSA §3314-B is enacted to read:

§3314-B. Counseling, treatment, education or case management for juveniles and their parents, guardians and legal custodians

1. Counseling, treatment, education or case management. In conjunction with a disposition under section 3314, the court may require the juvenile and the juvenile's parent, guardian or legal custodian to participate in counseling, treatment, education or case management as determined by the court. The counseling, treatment, education or case management

must be designed to create a favorable environment for sustained noncriminal behavior.

2. Costs. The court may order a parent, guardian or legal custodian to pay or cause to be paid all or part of the reasonable costs of any counseling, treatment, education or case management ordered pursuant to this section.

3. Enforcement. After notice and hearing and in accordance with the Maine Rules of Criminal Procedure, Rule 42(d), the court may invoke its contempt powers to enforce its counseling, treatment, education, case management or other order that applies to the juvenile, the juvenile's parent, guardian or legal custodian or any other person before the court who is subject to an order to participate in counseling, treatment, education or case management.

4. Probation. The court may not revoke a juvenile's probation because of a failure of the juvenile's parent, guardian or legal custodian to comply with an order under this section.

Sec. 3. Application. This Act applies to juvenile crimes for which a summons is served on or after the effective date of this Act.

See title page for effective date.

CHAPTER 143

H.P. 741 - L.D. 1020

An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission

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

Sec. 1. 17-A MRSA §106, sub-§1-A is enacted to read:

1-A. For purposes of subsection 1, "reasonable degree of force" is an objective standard. To constitute a reasonable degree of force, the physical force applied to the person may result in no more than transient discomfort or minor temporary marks on that person.

Sec. 2. 17-A MRSA §106, sub-§4, as enacted by PL 1975, c. 499, §1, is amended to read:

4. The justification extended in subsections 4, 2 and 3 does not apply to the ~~purposeful~~ intentional or reckless use of force that creates a substantial risk of death, serious bodily injury, or extraordinary pain.