

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.

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Lewiston, Maine
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subdivisions or state or federal agencies. For this purpose, the county commissioners may provide assistance to a regional project to be located in whole or in part outside of Piscataquis County only upon a finding by the commissioners that the project will confer a substantial economic benefit on Piscataquis County;

(7) Funding the annual salary and operating expenses of a county economic development officer, development agency or development office; and

(8) Necessary contractual services for any of the purposes stated in this paragraph.

B. All borrowing by the county commissioners for the purposes of this section is subject to the following limitations.

(1) All bonds issued by the county commissioners for the purposes of this section must be approved prior to issuance by the voters of Piscataquis County by referendum vote in accordance with section 938, except that a referendum for this purpose may be conducted at any regular or special county election at which the total number of votes cast for and against the proposed bond issue is equal to at least 50% of the total number of votes cast in Piscataquis County for all gubernatorial candidates in the most recent gubernatorial election.

(2) The aggregate unpaid principal amount of all bonds issued under this section may not exceed 2% of the most recent taxable valuation of Piscataquis County, as certified by the State Tax Assessor pursuant to Title 36, section 381, adjusted to 100%.

(3) Debt may not be incurred or bonds issued under this section if such debt or bonds, in combination with other county debt then outstanding, would cause Piscataquis County to exceed limitations on total county debt otherwise provided by law.

(4) All bonds issued under this section must be for capital project costs only and may not be used to fund the annual operating or program expenses of any agency, facility, program or office. The commissioners shall deposit the proceeds of any bond issued under this section to a capital project account for the project concerned, established in accordance with section 921. Bond proceeds deposited to a capital project account may only be used for purposes of financing or completing the

project concerned and for no other purposes. Any funds remaining in the capital project account upon completion or termination of the project concerned must be used by the commissioners to prepay any debt incurred by the county for that project. If the terms of a particular bond issued under this section prohibit prepayment of the bond, any funds remaining in the capital project account upon completion or termination of the project concerned may be transferred to another capital project account or used to retire other county debt.

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

Effective May 15, 2003.

CHAPTER 180

H.P. 1093 - L.D. 1496

An Act To Amend the Maine Juvenile Code

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

Sec. 1. 15 MRSA §1102, as amended by PL 2001, c. 667, Pt. A, §31, is repealed.

Sec. 2. 15 MRSA §3003, sub-§14-B, ¶B, as amended by PL 1999, c. 624, Pt. B, §2 and PL 2001, c. 439, Pt. G, §6, is further amended to read:

B. To provide appropriate services to juveniles committed to ~~the Long Creek Youth Development Center~~ a Department of Corrections juvenile correctional facility who are on leave or in the community on aftercare; and

Sec. 3. 15 MRSA §3203-A, sub-§4-A is enacted to read:

4-A. Probable cause determination. Except in a bona fide emergency or other extraordinary circumstance, when a juvenile arrested without a warrant for a juvenile crime or a violation of conditional release is not released from custody or does not receive a detention hearing within 48 hours after arrest, including Saturdays, Sundays and legal holidays, a Juvenile Court Judge or justice of the peace shall determine, within that time period, whether there is probable cause to believe that the juvenile has committed a juvenile crime. Evidence presented to establish such probable cause may include affidavits and other reliable hearsay evidence as permitted by the Juvenile Court Judge or justice of the peace. If the

evidence does not establish such probable cause, the Juvenile Court Judge or justice of the peace shall order the juvenile's discharge from detention.

Sec. 4. 15 MRSA §3203-A, sub-§5, ¶C, as repealed and replaced by PL 1999, c. 127, Pt. A, §32 and c. 260, Pt. A, §5, is amended to read:

C. Continued detention may not be ordered unless a Juvenile Court Judge or justice of the peace has determined pursuant to subsection 4-A or the Juvenile Court determines at the detention hearing that there is probable cause to believe that the juvenile has committed a juvenile crime.

Sec. 5. 15 MRSA §3203-A, sub-§9, as amended by PL 1999, c. 624, Pt. B, §6, is further amended to read:

9. Violation of conditions of release. Upon notification that a juvenile has intentionally or knowingly violated a condition of release, whether imposed by a court or a juvenile community corrections officer, a juvenile community corrections officer or a law enforcement officer may apply to the Juvenile Court for a warrant of arrest.

A law enforcement officer or juvenile community corrections officer having probable cause to believe that a juvenile has violated a condition of release may arrest the juvenile without a warrant.

Following the arrest of a juvenile by a law enforcement officer for violation of a condition of release, the law enforcement officer shall immediately notify the juvenile community corrections officer. The juvenile community corrections officer shall either direct the release of the juvenile with or without imposing different or additional conditions for release of the juvenile or shall revoke release and order the juvenile detained in accordance with subsection 4, paragraphs C and D.

If different or additional conditions of release are imposed, the juvenile may request the Juvenile Court to review the conditions pursuant to subsection 10. The review of additional or different conditions must include a hearing to determine if the preponderance of the evidence indicates that the juvenile intentionally or knowingly violated a condition of release.

If detention is ordered, the provisions of subsections 4-A and 5 apply.

Sec. 6. 15 MRSA §3203-A, sub-§11 is enacted to read:

11. Review of order. Upon petition by a juvenile community corrections officer or an attorney for the State and a showing of changed circumstances, the Juvenile Court may review an order for detention,

conditional release or unconditional release and may enter a new order in accordance with this section.

Sec. 7. 15 MRSA §3206 is enacted to read:

§3206. Detention of juveniles charged as adults

A person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103 may not be detained unless a juvenile community corrections officer has been notified within 2 hours after the person's arrest and has approved the detention. Section 3203-A, subsection 7, paragraphs A and B governing the facilities in which juveniles may be detained apply to any detention of such a juvenile following arrest.

Sec. 8. 15 MRSA §3307, sub-§2, ¶A, as amended by PL 1981, c. 361, is further amended to read:

A. ~~The~~ Once a petition is filed, the general public shall ~~may~~ not be excluded from any proceeding on a juvenile crime that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult ~~or~~ from any proceeding on a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult, and it is the 2nd or subsequent Class D crime for that juvenile not arising from the same underlying transaction; ~~or~~ from any subsequent dispositional hearings in such cases.

Sec. 9. 15 MRSA §3314, sub-§4, as amended by PL 1997, c. 752, §22, is further amended to read:

4. Medical support. Whenever the court commits a juvenile to a Department of Corrections juvenile correctional facility or to the Department of Human Services or for a period of detention or places a juvenile on a period of probation, it shall require the parent or legal guardian to provide medical insurance for or contract to pay the full cost of any medical treatment, mental health treatment, substance abuse treatment and counseling that may be provided to the juvenile while the juvenile is committed, including while on aftercare status or on probation, unless it determines that such a requirement would create an excessive hardship on the parent or legal guardian, or other dependent of the parent or legal guardian, in which case it shall require the parent or legal guardian to pay a reasonable amount toward the cost, the amount to be determined by the court.

An order under this subsection is enforceable under Title 19-A, section 2603.

See title page for effective date.