

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Sec. 6. Report. Resolved: That, within 12 months of a juvenile's commitment, the guardian ad litem or advocate shall prepare a written report regarding the services being provided to the juvenile, including any recommendations for additional or different services. A copy must be provided to the juvenile court and be reviewed by the court at the judicial review provided for in the Maine Revised Statutes, Title 15, section 3315, subsection 3. A copy of the report must also be provided to the superintendent of the facility, the juvenile and the juvenile's parents, guardian or legal custodian at least 2 weeks prior to the review. The guardian ad litem or advocate may request a separate judicial review of the report and, if such a review is requested, a copy of the report must be provided to the superintendent, the juvenile and the juvenile's parents, guardian or legal custodian at least 2 weeks prior to the review. A separate judicial review may be requested by the guardian ad litem only while the juvenile continues to reside in a juvenile correctional facility and not more than once in a 6-month period; and be it further

Sec. 7. Judicial review. Resolved: That the superintendent of the facility, the juvenile and the juvenile's parents, guardian or legal custodian must be notified of the review of the report of the guardian ad litem or advocate at least 2 weeks prior to the review date. The guardian ad litem or advocate shall attend the review. The superintendent or the superintendent's designee may attend the review. The juvenile's parents, guardian or legal custodian may also attend the review. Unless extraordinary circumstances require, as documented by the guardian ad litem or the advocate or unless ordered by the court, the juvenile may not attend the review. The guardian ad litem or advocate shall make the wishes of the juvenile known to the court if the juvenile has expressed the juvenile's wishes, regardless of the recommendations of the guardian ad litem. At the review, the court shall review the guardian ad litem's or advocate's report and any response to the report by the department or the parents, guardian or legal custodian. The court may make recommendations to the department with respect to services for the juvenile, which the department shall consider and may implement as it determines appropriate. If the department determines that a recommendation of the court is not appropriate, the department shall inform the court in writing, with a copy to the guardian ad litem or advocate, the juvenile and the juvenile's parents, guardian or legal custodian. The court may schedule a subsequent review, with 2 weeks' notification to the superintendent, the guardian ad litem, the advocate, the juvenile and the juvenile's parents, guardian or legal custodian. The subsequent review may be attended by an assistant attorney general representing the department, an attorney representing the juvenile, the juvenile and the parties who attended the prior hearing. The court may

reiterate or modify its prior recommendations, which the department shall consider and may implement as it determines appropriate. A judicial review may not affect a juvenile's commitment to a department juvenile correctional facility; and be it further

Sec. 8. Evaluation of pilot project. Resolved: That, in consultation with the selection committee under section 3, the commissioner shall establish a process and criteria for evaluating the effectiveness of the pilot project in section 1 at both of the department's juvenile correctional facilities, including a comparison of the implementation of the project at the department juvenile correctional facilities. The results of the evaluation must be provided to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters in a written report no later than January 15, 2008, along with the department's recommendation as to whether the project should be expanded, modified, reduced or terminated. In lieu of any action by the Legislature, the pilot project terminates on April 1, 2008.

See title page for effective date.

CHAPTER 102

H.P. 819 - L.D. 1190

Resolve, To Study the Establishment of a Controlled Substances Act for the State of Maine

Sec. 1. Feasibility review. Resolved: That the Director of the Office of Substance Abuse within the Department of Health and Human Services shall determine, in consultation with the Department of Professional and Financial Regulation, the Office of the Attorney General and interested parties, the feasibility of establishing a controlled substances act and shall review the revised Uniform Controlled Substances Act to help make this determination; and be it further

Sec. 2. Reporting date established. Resolved: That the Director of the Office of Substance Abuse within the Department of Health and Human Services shall submit a report, along with any proposed legislation, to the Joint Standing Committee on Health and Human Services by January 30, 2006. The joint standing committee may report out legislation to the Second Regular Session of the 122nd Legislature to establish a controlled substances act.

See title page for effective date.
