



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1040

H.P. 774

House of Representatives, March 10, 2011

### An Act To Amend the Maine Juvenile Code

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative PLUMMER of Windham.  
Cosponsored by Senator GERZOFKY of Cumberland and  
Representatives: HARVELL of Farmington, LONG of Sherman, MORISSETTE of Winslow,  
SANDERSON of Chelsea, SHAW of Standish, Senators: DIAMOND of Cumberland,  
TRAHAN of Lincoln.

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

2 **Sec. 1. 15 MRSA §1004**, as amended by PL 2007, c. 552, §1, is further amended  
3 to read:

4 **§1004. Applicability and exclusions**

5 This chapter applies to the setting of bail for a defendant in a criminal proceeding,  
6 including the setting of bail for an alleged contemnor in a plenary contempt proceeding  
7 involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does  
8 not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-  
9 conviction review proceedings under sections 2121 to 2132, probation revocation  
10 proceedings under Title 17-A, sections 1205 to 1207, supervised release revocation  
11 proceedings under Title 17-A, section 1233 or administrative release revocation  
12 proceedings under Title 17-A, sections 1349 to 1349-F, except to the extent and under the  
13 conditions stated in those sections. This chapter applies to the setting of bail for an  
14 alleged contemnor in a summary contempt proceeding involving a punitive sanction  
15 under the Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a  
16 material witness only as specified in sections 1103 and 1104, respectively. This chapter  
17 does not apply to a person arrested for a juvenile crime as defined in section 3103 or a  
18 person under 18 years of age who is arrested for a crime defined under Title 12 or Title  
19 29-A that is not a juvenile crime as defined in section 3103.

20 **Sec. 2. 15 MRSA §3206**, as amended by PL 2005, c. 507, §8, is further amended  
21 to read:

22 **§3206. Detention of juveniles**

23 A person arrested for a juvenile crime as defined in section 3103 or a person under 18  
24 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a  
25 juvenile crime as defined in section 3103 is not subject to chapter 105-A and may not be  
26 detained unless a juvenile community corrections officer has been notified within 2 hours  
27 after the person's arrest and has approved the detention. Section 3203-A, subsection 7,  
28 paragraphs A and B governing the facilities in which juveniles may be detained apply to  
29 any detention of such a juvenile following arrest.

30 **Sec. 3. 15 MRSA §3305, first ¶**, as amended by PL 1989, c. 741, §14, is further  
31 amended to read:

32 An answer to a petition need not be entered by a juvenile or by the juvenile's parents,  
33 guardian or legal custodian. A juvenile may enter an answer admitting the allegations of  
34 the petition, in accordance with Rules 11 and 11A, Maine Rules of Criminal Procedure,  
35 except that, if the case has been continued for investigation and for a bind-over hearing  
36 pursuant to section 3101, subsection 4, paragraph A, the court may not accept an answer  
37 to the petition until the court has conducted a bind-over hearing and has decided to retain  
38 jurisdiction of the juvenile in the Juvenile Court or until the prosecuting attorney has  
39 withdrawn the request to have the juvenile tried as an adult.

40 **Sec. 4. 15 MRSA §3310, sub-§7** is enacted to read:

