



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 822

S.P. 335

In Senate, March 4, 2025

An Act to End the Collection of Certain Probation Fees

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BEEBE-CENTER of Knox.

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

2 **Sec. 1. 15 MRSA §3314, sub-§2**, as amended by PL 2023, c. 136, §5, is further
3 amended to read:

4 **2. Suspended disposition.** The court may impose any of the dispositional alternatives
5 provided in subsection 1 and may suspend its disposition and place the juvenile on a
6 specified period of probation that is subject to such provisions of Title 17-A, section 1807
7 as the court may order and that is administered pursuant to the provisions of Title 34-A,
8 chapter 5, subchapter 4, ~~except that the court may not impose the condition set out in Title~~
9 ~~17-A, section 1807, subsection 6.~~ The court may impose as a condition of probation that a
10 juvenile must reside outside the juvenile's home in a setting satisfactory to the juvenile
11 community corrections officer if the court determines that reasonable efforts have been
12 made to prevent or eliminate the need for removal of the juvenile from the juvenile's home
13 or that no reasonable efforts are necessary because of the existence of an aggravating factor
14 as defined in Title 22, section 4002, subsection 1-B, and that continuation in the juvenile's
15 home would be contrary to the welfare of the juvenile. Imposition of such a condition does
16 not affect the legal custody of the juvenile.

17 Modification of probation is governed by the procedures contained in Title 17-A, section
18 1804, subsections 7 and 8. Termination of probation is governed by the procedures
19 contained in Title 17-A, section 1804, subsection 10. Revocation of probation is governed
20 by the procedures contained in Title 17-A, sections 1809 to 1812, except that this
21 subsection governs the court's determinations concerning probable cause and continued
22 detention and those provisions of Title 17-A, section 1812, subsection 6 allowing a vacating
23 of part of the suspension of execution apply only to a suspended fine under subsection 1,
24 paragraph G or a suspended period of confinement under paragraph H. A suspended
25 commitment under subsection 1, paragraph F may be modified to a disposition under
26 subsection 1, paragraph H. When a revocation of probation results in the imposition of a
27 disposition under subsection 1, paragraph F or a period of confinement under subsection 1,
28 paragraph H, the court shall determine whether reasonable efforts have been made to
29 prevent or eliminate the need for removal of the juvenile from the juvenile's home or that
30 no reasonable efforts are necessary because of the existence of an aggravating factor as
31 defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's
32 home would be contrary to the welfare of the juvenile. This determination does not affect
33 whether the court orders a particular disposition upon a revocation of probation. If the
34 juvenile is being detained for an alleged violation of probation, the court shall review within
35 48 hours following the detention, excluding Saturdays, Sundays and legal holidays, the
36 decision to detain the juvenile. Following that review, the court shall order the juvenile's
37 release unless the court finds that there is probable cause to believe that the juvenile has
38 violated a condition of probation and finds, by a preponderance of the evidence, that
39 continued detention is necessary to meet one of the purposes of detention under section
40 3203-A, subsection 4, paragraph C. When a court orders continued detention, the court
41 shall determine whether reasonable efforts have been made to prevent or eliminate the need
42 for removal of the juvenile from the juvenile's home or that no reasonable efforts are
43 necessary because of the existence of an aggravating factor as defined in Title 22, section
44 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary
45 to the welfare of the juvenile. This determination does not affect whether the court orders
46 continued detention.

