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RANDALL A. LIBERTY  
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**TESTIMONY OF**

**CHRISTINE THIBEAULT  
ASSOCIATE COMMISSIONER, DIVISION OF JUVENILE SERVICES  
MAINE DEPARTMENT OF CORRECTIONS**

**January 27, 2025**

**In Support of:**

**LD 42, An Act Regarding the Bind-over and Detention of Juveniles**

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Christine Thibeault, Associate Commissioner of the Maine Department of Corrections (DOC) Division of Juvenile Services providing testimony in support of LD 42, An Act Regarding the Bind-over and Detention of Juveniles. As further explained below, this is a department bill that allows a Juvenile Court judge to authorize detention at Long Creek Youth Development Center of juveniles between 18 and 21 years of age during the pendency of a bind-over appeal. The Department thanks Representative Salisbury for sponsoring this bill on our behalf.

The purpose of LD 42 is to expand discretion of Maine’s Juvenile Court judges by granting authority to order detention of juveniles between 18 and 21 years of age at Long Creek Youth Development Center while the juvenile’s appeal of a bind-over order is pending. Fortunately, the number of juveniles bound-over for prosecution as adults in Maine is small. The impact, however, of having a juvenile detained at a County Jail is significant especially if the Juvenile Court’s decision to order bind-over is reversed on appeal. In 2021, the Juvenile Code, 15 MRSA §3402, sub-§1, ¶H, was amended to allow a juvenile to immediately appeal the issuance of a bind-over order. There was no corresponding change in law, however, that would allow the juvenile to remain at Long Creek pending the outcome of such an appeal.

The Maine Juvenile Code, 15 MRSA §3101, sub-§4, ¶E-2, currently *mandates* that a person who has reached 18 years of age and has been bound-over for prosecution as an adult be held in an adult section of a jail. The Juvenile Court does not have authority to allow the bound-over juvenile to remain at Long Creek Youth Development Center pending an appeal of the court’s decision regardless of the youth’s behavior while detained at Long Creek or the potential impact on the youth.

As proposed, LD 42 will allow the Department of Corrections to request that the juvenile remain at Long Creek pending the outcome of their appeal. Whether the Department makes such a request will depend on the youth’s behavior, engagement with programming, and behavioral health needs. For example, the Department may make such a request because a youth is close to earning a high school diploma, has been attending college classes through the “Creek to College” partnership with Southern Maine Community College, or has behavioral and/or mental health needs that are more appropriately managed at a juvenile detention facility. Additionally, the Department will consider the impact on other residents of having the bound-over youth remaining at Long Creek.



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This bill simply seeks to expand the discretion of Maine's Juvenile Court judges by eliminating the current mandate that all youths between 18 and 21 years of age be ordered held in an adult-serving jail while an appeal of a bind-over decision is pending. This bill does not mandate that any such youth remain at Long Creek, and it allows the judge to later rescind an order that the youth be detained at Long Creek should the youth's behavior and/or needs change. In short, this bill allows judges to make an *individualized* decision on where a youth will be housed when an appeal of a bind-over decision is pending.

This concludes my testimony.

I am happy to answer questions.

Christine Thibeault  
Associate Commissioner, Division of Juvenile Services  
Maine Department of Corrections