

Maine Youth Justice Legislative Update 2023

The following is a summary of youth justice legislation and reforms that were enacted, carried over, or failed to pass during the first regular session and first special session of the 131st Legislature, which adjourned on March 30, 2023, and July 26, 2023, respectively.

The general effective date for non-emergency laws passed in the First Regular Session of the 131st Legislature is Thursday, June 29, 2023. The general effective date for non-emergency laws passed in the First Special Session of the 131st Legislature is Wednesday, October 25, 2023. Emergency measures are effective as soon as they are signed by the Governor. The second regular session of the 131st Legislature will convene in January 2024.

Enacted Legislation

LD 39, An Act to Amend the Maine Juvenile Code, *Sponsored by Senator Pinny Beebe-Center*

- Changes the definition of “juvenile” to mean a person who had not attained 18 years of age at the time the person allegedly committed a juvenile crime.
- Requires the Court to notify a young person’s parent(s), guardian, or legal custodian of a detention hearing; allows the Court to conduct a detention hearing in the absence of said parent(s), guardian, or legal custodian if the court is unable to provide them notice or if they fail to appear after receiving notice.
- Prohibits courts from requiring youth under deferred disposition to pay a supervision fee.
- Changes the method for calculating a youth’s release time and date when they are confined in a juvenile facility for a 30-day or shorter period to match the method used for all other juvenile dispositions and adult sentences.
- Adds cross-references about the payment and collection of juvenile restitution.
- Requires the Court to provide a copy of the State Forensic Service examiner’s report to the Commissioner of the Department of Health and Human Services (DHHS) or their designee if the Department will become involved with the youth following a competency hearing.
- Requires that a youth who is a runaway, absconder, escapee or accused offender from another state be referred by law enforcement to a Juvenile Community Corrections Officer (JCCO) for processing according to the provisions of the Interstate Compact for Juveniles.

Signed into law as amended by Governor Mills on June 8, 2023.

LD 82, An Act to Improve Access to Children’s Behavioral Health Services, *Sponsored by Representative Michele Meyer; submitted by DHHS*

- Removes requirement that service providers contracted by the DHHS charge service fees for children with mental health needs, intellectual disabilities, or autism and their families.

Signed into law by Governor Mills on May 15, 2023.

LD 98, An Act to Update the Special Education Laws, Sponsored by Representative Michael Brennan

- Changes the age of eligibility for special education and career and technical education courses from under 20 to under 22 for adults who are enrolled in special education. This reflects an administrative change pursuant to First Circuit case law that students who are eligible under the Individuals with Disabilities Education Act (IDEA) are eligible to continue receiving a Free Appropriate Public Education (FAPE) until they either receive a regular high school diploma or reach their 22nd birthday.

Signed into law as amended by Governor Mills on July 27, 2023.

LD 155, An Act Regarding Community-based Services for Youth Involved in the Juvenile Justice System, Sponsored by Representative Michael Brennan

- Establishes a working group in the Children’s Cabinet consisting of the Department of Corrections (DOC) and the DHHS to promote coordination in the provision of services to youth in the juvenile justice system and to examine other states regarding best practices and organizational structures for juvenile justice services.
- Requires the DOC to develop and publish data regarding the number of youth involved in the juvenile justice system.
- Requires the DOC to submit annual reports in person to the joint standing committee of the Legislature with jurisdiction over criminal justice and public safety matters regarding 1) the diversion of youth out of the juvenile justice system and the expansion of access to community-based therapeutic services for youth, and 2) the status of the identification and development of two small, secure, therapeutic residences for youths for the purpose of providing detention and confinement for committed youth in a therapeutic setting.

Signed into law as amended by Governor Mills on July 26, 2023.

LD 631, An Act to Change the Notification Law for School Truancy, Sponsored by Representative Raegan LaRochelle

- Modifies the truancy notification law to provide that a superintendent may make two documented attempts to serve or cause to be served on a parent written notice that attendance of the parent’s child at school is required by law. Such notice may be served by registered or certified mail.

Signed into law as amended by Governor Mills on May 22, 2023.

LD 915, Resolve, to Establish the Blue Ribbon Commission to Study the Organization of and Service Delivery by the Department of Health and Human Services (Emergency)

Sponsored by Representative Daniel Shagoury

- Creates the Blue Ribbon Commission to Study the Organization of and Service Delivery by the DHHS and submit a report with its findings and recommendations by November 6, 2024. The Commission is to examine: 1) the organizational structure of the DHHS and the services provided by the department, and the organizational structure of and service delivery at similar agencies in other states and in nongovernmental organizations; 2) current proposals for improving the safety and well-being of children and strengthening families across all populations and geographical areas of the State; and 3) barriers to

accessing services, system failures and additional needed resources, and areas within the DHHS where efficiencies can be made and processes can be streamlined.

Signed into law as amended by Governor Mills on July 19, 2023.

LD 1003, Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism (Emergency), Sponsored by Representative Anne Graham

Requires the Department of Health and Human Services (DHHS) to:

- Establish a stakeholder group to develop a “No Eject, No Reject” proposal that requires residential providers of behavioral health services for children or individuals with intellectual disabilities or autism to receive written approval from the department in circumstances relating to termination of services or declining a referral.
- Examine data to determine reasons why providers terminate or refuse referrals for services and determine barriers to accepting individuals for treatment services.
- Report its findings, the proposal and the steps for implementing the proposal, including any rulemaking and recommended legislation, to the Joint Standing Committee on Health and Human Services no later than January 2, 2024.

Signed into law as amended by Governor Mills on June 20, 2023.

LD 1033, Resolve, Directing the Department of Education to Develop and Distribute Guidance for Diploma Options at the Arthur R. Gould School, Sponsored by Representative Rebecca Millett

- Directs the Department of Education (DOE) to create and distribute guidance for superintendents, principals, school counselors and the principal of the Arthur R. Gould School to inform them of diploma options for residents of the Long Creek Youth Development Center who are attending the Gould School and who are preparing to graduate. Diploma options include, but are not limited to, receiving a diploma from the student’s sending School Administrative Unit (SAU), receiving a diploma from the Arthur R. Gould School, and receiving a DOE diploma.

Signed into law as amended by Governor Mills on June 12, 2023.

LD 1092, Resolve, To Establish an Ad Hoc Committee to Address the Commercial Sexual Exploitation of Children

Sponsored by Representative Holly Stover

- Requires the DHHS to establish an ad hoc committee to make recommendations addressing the intervention in and prevention of commercial sexual exploitation of children and report to the Legislature by January 1, 2025.

Signed into law as amended by Governor Mills on June 12, 2023.

Failed Legislation

LD 140. An Act to Amend the Laws Governing the Right to Counsel for Juveniles and Due Process for Juveniles, *Sponsored by Representative Shelley Rudnicki*

- Proposal to reverse changes in law made by [Public Law 2021, chapter 326](#), concerning the right to counsel for youth, the minimum age limits at which a youth can be committed or detained to a juvenile facility, and limits around the minimum period of commitment.

LD 148. An Act to Allow Detention of Juveniles for Certain Acts, *Sponsored by Senator David LaFountain*

- Proposal to reverse [Public Law 2021, chapter 398, part KKKK-1](#), which had repealed detaining a youth for the purpose of providing care, and add an additional purpose for the detention of a youth.

LD 433. Resolve, Directing the Commissioner of Corrections and the Commissioner of Health and Human Services to Establish a Working Group on the Relocation of the Division of Juvenile Services, *Sponsored by Representative Michael Brennan*

- Directed the Commissioners of Corrections and Health and Human Services to establish a working group to examine the optimal location for the DOC's division of juvenile services within State Government and to make recommendations in accordance with the working group's findings.
- Required the working group to convene by July 1, 2023, and provide a report by January 1, 2024, to the Joint Standing Committee on Criminal Justice and Public Safety, the Joint Standing Committee on Education and Cultural Affairs, and the Joint Standing Committee on Health and Human Services.

Carried Over Legislation

LD 288. An Act Concerning Housing and Support Services for At-risk Youth and Youth Who Have Committed Juvenile Crimes, *Sponsored by Representative Grayson Lookner*

- Requires the development and implementation of a program to provide housing and community-based support services for at-risk youth and youth who have committed juvenile crimes. Concept draft.

LD 435. Resolve, to Ensure the Provision of Medically Necessary Behavioral Health Care Services for Children in Their Homes and Communities, *Sponsored by Representative Lori Gramlich*

- Directs the DHHS to develop a plan to ensure that medically necessary home-based and community-based behavioral healthcare services are available in the scope, intensity, and duration necessary to meet the needs of children and their families in Maine and submit this plan to the Joint Standing Committee on Health and Human Services no later than October 1, 2023.

LD 1359, An Act to Provide an Opportunity for Resentencing for Individuals Who Were Sentenced for Crimes Committed as Juveniles, *Sponsored by Representative Sophia Warren*

- Provides for modifications in the sentencing of youth convicted as adults, which would prohibit the sentence of life without the possibility of early release, allow the court to impose a sentence that is less than the minimum term required by law, and provide an opportunity for youth convicted as adults who were sentenced prior to October 1, 2023 and who have been imprisoned for at least 20 years to request a sentence reduction.

LD 1779, An Act to Develop a Continuum of Care for Youth Involved in the Justice System and to Develop Alternatives for Juveniles Incarcerated in Long Creek Youth Development Center, *Sponsored by Representative Grayson Lookner*

- Requires the DOC to establish a process to conduct an individualized needs assessment and complete a transition plan for every youth in DOC custody.
- Requires the DOC and the Children’s Cabinet to develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives and report these recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.
- Requires the Joint Standing Committee on Criminal Justice and Public Safety to study the selection of an entity to manage and distribute corrections funds that are currently designated for youth incarceration.
- Requires the DOC to create and implement a workforce development plan for Long Creek Youth Development Center staff, developed in coordination with the Department of Labor. The plan must provide and facilitate retraining and professional certification options for other paid positions.
- Requires the DOC to develop a plan to repurpose Long Creek Youth Development Center and submit this plan to the Joint Standing Committee on Criminal Justice and Public Safety, including findings, recommendations, and any suggested legislation.

LD 1422, An Act to End Homelessness and Assist Students Who Are Homeless by Establishing a Rental Subsidy Program, *Sponsored by Representative Michael Brennan*

- Establishes a housing subsidy program for homeless students and directs the Maine State Housing Authority to develop this program in consultation with DOE and DHHS. The program must incorporate elements to provide housing subsidies to homeless students who have not reached age 18 and do not have family members or guardians to secure housing for them.
- Appropriates one-time funding of \$2 million in fiscal years 2024 and 2025 to support the subsidy program.
- Requires the Maine State Housing Authority to report on the progress of the program’s development no later than January 15, 2024.