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Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the guardian ad litem and advocate pilot project established under Resolve 2005, chapter 101 will terminate April 1, 2008 unless the Legislature acts; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Resolve 2005, c. 101, §4, repealed. Resolved: That Resolve 2005, c. 101, §4 is repealed; and be it further

Sec. 2 Resolve 2005, c. 101, §4-A, enacted. Resolved: That Resolve 2005, c. 101, §4-A is enacted to read:

Sec. 4-A Mountain View Youth Development Center. Resolved: That, beginning on the effective date of this section, the commissioner shall within existing resources appoint a selection committee, consisting of the Associate Commissioner for Juvenile Services or the associate commissioner's designee, a juvenile prosecutor and a juvenile defense attorney. The selection committee shall recommend an appropriate guardian ad litem for each juvenile committed to the Mountain View Youth Development Center who is chosen for participation in the pilot project in section 1. The juvenile court shall give great weight to the recommendation of the selection committee in making its appointment of the guardian ad litem. The guardian ad litem selected must be on the current Maine District Court roster of guardians ad litem but may not be a member of the selection committee or the defense attorney for the juvenile. A person serving as a guardian ad litem under this resolve acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem. In consultation with the selection committee, the department shall develop and provide orientation and training specific to the role of a guardian ad litem for a juvenile committed to a juvenile correctional facility prior to the guardian ad litem's assuming the guardian's responsibilities, and the department may offer ongoing training. At least quarterly, the selection committee shall review the guardian ad litem's performance. If the selection committee determines at any time that a guardian ad litem is not performing the guardian's responsibilities appropriately, the selection committee may recommend the removal of the guardian ad litem and recommend a replacement. The juvenile court shall give great weight to the recommendations of the selection committee to remove and replace a guardian ad litem. The recommendations of the selection committee to select, remove and replace a guardian ad litem must be made by at least majority vote, and the court's decisions to accept or reject those recommendations are not appealable; and be it further

; and be it further

Sec. 3 Resolve 2005, c. 101, §8, amended. Resolved: That Resolve 2005, c. 101, §8 is amended to read:

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~~the commissioner shall submit a summary of the pilot project in section 1 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2010. In lieu of any action by the Legislature, theThe pilot project terminates on April 1, ~~2008~~2010.

; and be it further

Sec. 4 Retroactivity. Resolved: That this resolve applies retroactively to April 1, 2008.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.