

CHAPTER 501
GENERAL PROVISIONS

§3001. Title

This Part shall be known and may be cited as the Maine Juvenile Code. [PL 1977, c. 520, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW).

§3002. Purposes and construction

1. Purposes. The purposes of this Part are:

A. To secure for each juvenile subject to these provisions such care and guidance, preferably in the juvenile's own home, as will best serve the juvenile's welfare and the interests of society; [PL 1997, c. 645, §1 (AMD).]

B. To preserve and strengthen family ties whenever possible, including improvement of home environment; [PL 1977, c. 520, §1 (NEW).]

C. To remove a juvenile from the custody of the juvenile's parents only when the juvenile's welfare and safety or the protection of the public would otherwise be endangered or, when necessary, to punish a child adjudicated, pursuant to chapter 507, as having committed a juvenile crime; [PL 1997, c. 645, §1 (AMD).]

D. To secure for any juvenile removed from the custody of the juvenile's parents the necessary treatment, care, guidance and discipline to assist that juvenile in becoming a responsible and productive member of society; [PL 1997, c. 645, §1 (AMD).]

E. To provide procedures through which the provisions of the law are executed and enforced and that ensure that the parties receive fair hearings at which their rights as citizens are recognized and protected; and [PL 1997, c. 645, §1 (AMD).]

F. To provide consequences, which may include those of a punitive nature, for repeated serious criminal behavior or repeated violations of probation conditions. [PL 1997, c. 645, §1 (NEW).]
[PL 1997, c. 645, §1 (AMD).]

2. Construction. To carry out these purposes, the provisions of this Part shall be liberally construed.

[PL 1977, c. 520, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §1 (AMD). PL 1979, c. 663, §113 (AMD). PL 1997, c. 645, §1 (AMD).

§3003. Definitions

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

As used in this Part, unless the context otherwise indicates, the following words and phrases shall have the following meanings. [PL 1977, c. 520, §1 (NEW).]

1. Adjudicatory hearing. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under chapter 507 are supported by evidence that satisfies the standard of proof required.

[PL 2013, c. 234, §2 (AMD).]

1-A. (TEXT EFFECTIVE 1/01/22) Administration of juvenile justice. "Administration of juvenile justice" means activities related to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible juvenile crimes and the apprehension or summoning, detention, conditional or unconditional release, informal adjustment, initial appearance, bind-over, adjudication, disposition, custody and supervision or rehabilitation of accused juveniles or adjudicated juvenile criminal offenders. "Administration of juvenile justice" includes the collection, storage and dissemination of juvenile case records and juvenile intelligence and investigative record information relating to the administration of juvenile justice.

[PL 2021, c. 365, §5 (NEW); PL 2021, c. 365, §37 (AFF).]

2. Adult. "Adult" means a person 18 years of age or over.

[PL 1977, c. 520, §1 (NEW).]

2-A. Attendant; attendant care. "Attendant" means an agent of a county sheriff or of the Department of Corrections who is authorized to provide temporary supervision of a juvenile alleged to have committed a juvenile crime or of a juvenile adjudicated as having committed a juvenile crime when supervision is appropriate as an interim measure pending the completion of a procedure authorized by law to be taken in regard to such juvenile. Supervision must be exercised during that period beginning with receipt of the juvenile by the attendant and ending upon the release of the juvenile to the juvenile's legal custodian or other responsible adult. This supervision constitutes "attendant care." Attendant care may not be ordered by the juvenile court except with the consent of the county sheriff or the Department of Corrections.

[PL 2005, c. 328, §4 (AMD).]

3. Bind-over hearing. "Bind-over hearing" means a hearing at which the Juvenile Court determines whether to permit the State to proceed against a juvenile as if the juvenile were an adult.

[PL 2019, c. 525, §1 (AMD).]

4. Commit. "Commit" means to transfer legal custody.

[PL 1977, c. 520, §1 (NEW).]

4-A. Diagnostic evaluation. "Diagnostic evaluation" means an examination of a juvenile, to assess the risks the juvenile may pose and determine the needs the juvenile may have, which may include, but is not limited to, educational, vocational or psychosocial evaluations, psychometric testing and psychological, psychiatric or medical examinations, which may take place on either a residential or a nonresidential basis.

[PL 1989, c. 744, §1 (AMD).]

4-B. Detention. "Detention" means the holding of a person in a facility characterized by either physically restrictive construction or intensive staff supervision that is intended to prevent a person who is placed in or admitted to the facility from departing at will.

[RR 2009, c. 2, §33 (COR).]

4-C. Court-generated information. "Court-generated information" means records, information and documents created by the Juvenile Court to document activity in a case, including docket entries and other similar records.

[PL 2019, c. 525, §2 (NEW).]

4-D. Disclosure. "Disclosure" means the transmission of information contained in juvenile case records by any means, including orally, in writing or electronically, upon request.

[PL 2019, c. 525, §2 (NEW).]

5. Dispositional hearing. "Dispositional hearing" means a hearing to determine what order of disposition should be made concerning a juvenile who has been adjudicated as having committed a juvenile crime.

[PL 1977, c. 520, §1 (NEW).]

5-A. Dissemination. "Dissemination" means release of, transmission in any manner of and access to information contained in juvenile case records expressly authorized by statute, executive order, court rule, court decision or court order.

[PL 2019, c. 525, §2 (NEW).]

6. Emancipation. "Emancipation" means the release of a juvenile from the legal control of the juvenile's parents.

[PL 2019, c. 525, §3 (AMD).]

7. Facility. "Facility" means any physical structure.

[PL 1977, c. 520, §1 (NEW).]

8. Guardian. "Guardian" means a person lawfully invested with the power, and charged with the duty, of taking care of a person and managing the property and rights of the person, who, because of age, is considered incapable of administering the person's own affairs.

[PL 2019, c. 525, §4 (AMD).]

9. He.

[PL 2013, c. 234, §3 (RP).]

10. Informal adjustment. "Informal adjustment" means a voluntary arrangement between a juvenile community corrections officer and a juvenile referred to the officer that provides sufficient basis for a decision by the juvenile community corrections officer not to file a petition under chapter 507.

[PL 1999, c. 624, Pt. B, §1 (AMD).]

10-A. Inspection. "Inspection" means access to and review of juvenile case records in a manner prescribed by the Supreme Judicial Court. "Inspection" does not include disclosure or dissemination of juvenile case records.

[PL 2019, c. 525, §5 (NEW).]

11. Intake.

[PL 1977, c. 664, §3 (RP).]

12. Intake worker.

[PL 1985, c. 439, §3 (RP).]

13. Interim care. "Interim care" means the status of temporary physical control of a juvenile by a person authorized by section 3501.

[PL 1977, c. 520, §1 (NEW).]

14. Juvenile. "Juvenile" means a person who has not attained 18 years of age and a person 18 years of age or older during the period of a disposition that includes probation or commitment to a Department of Corrections juvenile facility who was adjudicated before 18 years of age. This definition does not apply to a person whose disposition includes probation or commitment to a Department of Corrections juvenile correctional facility when that person engages in new criminal conduct and is 18 years of age or older at the time of the new criminal conduct.

[PL 2021, c. 326, §1 (AMD).]

14-A. Juvenile arrest. "Juvenile arrest" means the taking of an accused juvenile into custody in conformance with the law governing the arrest of persons believed to have committed a crime.

[PL 1985, c. 439, §4 (NEW).]

14-B. Juvenile community corrections officer. "Juvenile community corrections officer" means an agent of the Department of Corrections authorized:

A. To perform juvenile probation functions; [PL 1985, c. 439, §4 (NEW).]

B. To provide appropriate services to juveniles committed to a Department of Corrections juvenile correctional facility who are on leave or in the community on community reintegration; and [PL 2003, c. 688, Pt. A, §11 (RPR).]

C. To perform all community corrections officer functions established by this Part for a juvenile alleged to have committed a juvenile crime. [PL 1999, c. 624, Pt. B, §2 (AMD).]
[PL 2003, c. 688, Pt. A, §11 (AMD).]

14-C. Juvenile case records. "Juvenile case records" means all records, regardless of form or means of transmission, that comprise a juvenile court file of an individual case, including, but not limited to, court-generated information, information and documents filed by filers, transcripts of depositions, hearings, proceedings and interviews, documentary exhibits in the custody of the clerk of the court, electronic records, videotapes and records of other proceedings filed with the clerk of the court. "Juvenile case records" does not include administrative or operational records of the judicial branch.
[PL 2019, c. 525, §6 (NEW).]

15. Juvenile Court. "Juvenile Court" means the District Court exercising the jurisdiction conferred by section 3101.
[PL 1979, c. 681, §38 (AMD).]

16. Juvenile crime. "Juvenile crime" has the meaning set forth in section 3103.
[PL 1977, c. 520, §1 (NEW).]

17. Law enforcement officer.
[PL 2013, c. 588, Pt. A, §18 (RP).]

18. Legal custodian. "Legal custodian" means a person who has legal custody of a juvenile.
[PL 1977, c. 520, §1 (NEW).]

19. Legal custody. "Legal custody" means the right to the care, custody and control of a juvenile and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a juvenile, and, in an emergency, to authorize surgery or other extraordinary care.
[PL 1977, c. 520, §1 (NEW).]

19-A. Mental disease or defect. "Mental disease or defect" has the same meaning as in Title 17-A, section 39, subsection 2 except that "mental disease or defect" does not include, in and of itself, the fact that a juvenile has not attained the level of mental or emotional development normally associated with persons 18 years of age or older.
[PL 2013, c. 234, §5 (NEW).]

19-B. Officer of the court. "Officer of the court" means a judicial officer, including a judge, an attorney or an employee of the court including a clerk or a marshal.
[PL 2019, c. 525, §7 (NEW).]

19-C. (TEXT EFFECTIVE 1/01/22) Order of adjudication. "Order of adjudication" means any document, including but not limited to a judgment and commitment order including conditions of juvenile probation if imposed, any dismissal form or any written order that constitutes the final disposition of a juvenile petition.
[PL 2021, c. 365, §6 (NEW); PL 2021, c. 365, §37 (AFF).]

20. Organization.
[PL 2013, c. 234, §6 (RP).]

21. Parent. "Parent" means either a natural parent or the adoptive parent of a juvenile.
[PL 1977, c. 520, §1 (NEW).]

22. Person.
[PL 2013, c. 234, §7 (RP).]

23. Probation. "Probation" means a legal status created by court order in cases involving a juvenile adjudicated as having committed a juvenile crime that permits the juvenile to remain in the juvenile's own home or other placement designated by the Juvenile Court subject to revocation for violation of any condition imposed by the court.

[PL 2019, c. 525, §8 (AMD).]

24. Probation officer; juvenile probation officer.

[PL 1985, c. 439, §5 (RP).]

24-A. Secure detention facility. "Secure detention facility" means a facility characterized by physically restrictive construction that is intended to prevent a person who is placed in or admitted to the facility from departing at will.

[PL 1991, c. 493, §2 (AMD).]

25. Shelter. "Shelter" means the temporary care of a juvenile in physically unrestricting facilities.

[PL 1977, c. 520, §1 (NEW).]

26. Temporary holding resource. "Temporary holding resource" means an area not in a jail or other secure detention facility intended or primarily used for the detention of adults that may be used to provide secure supervision for a juvenile for a period not to exceed 72 hours, excluding Saturday, Sunday and legal holidays, pending the completion of a procedure authorized by law to be taken in regard to a juvenile. Security is provided by intense personal supervision rather than by the physical characteristics of the facility.

[PL 1991, c. 493, §3 (AMD).]

27. Temporary supervision. "Temporary supervision" means that supervision provided by an attendant delivering attendant care as defined in subsection 2-A.

[PL 1985, c. 439, §7 (NEW).]

28. (TEXT EFFECTIVE 1/01/22) Victim. "Victim" has the same meaning as in Title 17-A, section 2101, subsection 2.

[PL 2021, c. 365, §7 (NEW); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §§2-5 (AMD). PL 1979, c. 681, §§2,38 (AMD). PL 1981, c. 493, §2 (AMD). PL 1981, c. 619, §2 (AMD). PL 1985, c. 439, §§1-7 (AMD). PL 1987, c. 398, §1 (AMD). PL 1987, c. 698, §1 (AMD). PL 1989, c. 113, §1 (AMD). PL 1989, c. 744, §§1,2 (AMD). PL 1989, c. 925, §2 (AMD). PL 1991, c. 493, §§1-3 (AMD). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 624, §§B1,2 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2003, c. 180, §2 (AMD). PL 2003, c. 410, §4 (AMD). PL 2003, c. 688, §A11 (AMD). PL 2005, c. 328, §4 (AMD). RR 2009, c. 2, §33 (COR). PL 2013, c. 133, §4 (AMD). PL 2013, c. 234, §§2-7 (AMD). PL 2013, c. 588, Pt. A, §18 (AMD). PL 2019, c. 525, §§1-8 (AMD). PL 2021, c. 326, §1 (AMD). PL 2021, c. 365, §§5-7 (AMD). PL 2021, c. 365, §37 (AFF).

§3004. Severability

(REPEALED)

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1979, c. 663, §114 (RP).

§3005. Forms, other than court forms, reporting formats, and other standardized written materials

All forms, reporting formats, and other standardized written materials necessary to fulfill the requirements of this Part must be uniform for all state and local agencies providing services according to the provisions of this Part; and those forms, reporting formats, and other standardized written

materials must be developed and approved jointly by the Department of Corrections and the Department of Health and Human Services. [PL 1995, c. 502, Pt. F, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1981, c. 493, §2 (AMD). PL 1995, c. 502, §F4 (AMD). PL 2003, c. 689, §B6 (REV).

§3006. Review of Maine Juvenile Code

(REPEALED)

SECTION HISTORY

PL 1989, c. 925, §3 (NEW). PL 1997, c. 752, §5 (RP).

§3007. Victims' rights

In addition to any rights given to victims of juvenile crimes in this Part, the victim of a juvenile crime has the rights that a victim has under Title 17-A, section 2106. [PL 2019, c. 113, Pt. C, §44 (AMD).]

SECTION HISTORY

PL 1999, c. 280, §1 (NEW). PL 2019, c. 113, Pt. C, §44 (AMD).

§3008. Dissemination of education records of preadjudicated juveniles

Pursuant to Title 20-A, section 6001, schools may distribute education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile if the education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. [PL 1999, c. 595, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 595, §1 (NEW).

§3009. Information related to reintegration of juvenile into school

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Notification to superintendent. When a juvenile in the custody of the Department of Corrections seeks admission to a public school or a private school approved for tuition purposes, the Department of Corrections shall provide notice to the superintendent of the school to which the student is seeking admission or to the superintendent's designee of the availability of information pertaining to the juvenile for use by a reintegration team under Title 20-A, section 1055, subsection 12. [PL 2001, c. 452, §1 (NEW).]

2. (TEXT EFFECTIVE UNTIL 1/01/22) Release of information. Upon the request of the superintendent or the superintendent's designee under subsection 1, the Department of Corrections shall release information as authorized under section 3308, subsection 7, paragraph B-1, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F to be used by the reintegration team. Information received pursuant to this subsection is confidential and may not be further disseminated, except as otherwise provided by law. [PL 2003, c. 205, §3 (AMD).]

2. (TEXT EFFECTIVE 1/01/22) Release of information. Upon the request of the superintendent or the superintendent's designee under subsection 1, the Department of Corrections shall release information as authorized under section 3308-C, subsection 4, paragraph C, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F to be used by the reintegration team. Information

received pursuant to this subsection is confidential and may not be further disseminated, except as otherwise provided by law.

[PL 2021, c. 365, §8 (AMD); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 2001, c. 452, §1 (NEW). PL 2003, c. 205, §3 (AMD). PL 2021, c. 365, §8 (AMD). PL 2021, c. 365, §37 (AFF).

§3010. Dissemination of juvenile history record information by a Maine criminal justice agency (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE 1/01/22)

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Confidential juvenile history record information" means all juvenile history record information except public juvenile history record information. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

B. "Criminal justice agency" has the same meaning as in Title 16, section 703, subsection 4. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

C. "Dissemination" has the same meaning as in Title 16, section 703, subsection 6. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

D. "Executive order" has the same meaning as in Title 16, section 703, subsection 7. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

E. "Juvenile history record information" means information of record collected by a criminal justice agency or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency that connects a specific, identifiable juvenile with formal involvement in the juvenile justice system either as a person accused of or adjudicated as having committed a juvenile crime. "Juvenile history record information" includes, but is not limited to, identifiable descriptions or notations of: summonses and arrests; detention; petitions charging a juvenile with a juvenile crime or any disposition stemming from such charges; post-plea or post-adjudication disposition; execution of and completion of any disposition alternatives imposed; release and discharge from involuntary commitment; any related pretrial and post-trial appeals; collateral attacks; and petitions for and warrants of pardons, commutations, reprieves and amnesties. "Juvenile history record information" does not include information of record of civil proceedings, including traffic infractions and other civil violations or juvenile intelligence and investigative record information as defined in section 3308-A, subsection 1, paragraph E. As used in this paragraph, "formal involvement in the juvenile justice system either as a person accused of or adjudicated as having committed a juvenile crime" means being within the jurisdiction of the juvenile justice system commencing with arrest, summons, referral to a juvenile community corrections officer, preliminary investigation or filing of a juvenile petition with the Juvenile Court and concluding with the completion of any informal adjustment agreement or the completion of any disposition entered by the Juvenile Court. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

F. "Public juvenile history record information" means information indicating that a juvenile has been adjudicated as having committed a juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile adjudicated were an adult and any resulting disposition imposed. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

[PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

2. Juvenile history record information confidential. Except as provided in subsection 3, juvenile history record information is confidential and not open to public inspection, and does not constitute public records as defined in Title 1, section 402, subsection 3. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

3. Juvenile history record information pertaining to adjudications. Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile adjudicated were an adult, then that adjudication and any resulting disposition imposed, but no other related juvenile history record information, may be disclosed publicly. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

4. Dissemination of juvenile history record information by Maine criminal justice agency. A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential juvenile history record information only to:

A. Another criminal justice agency for the purpose of the administration of juvenile justice, the administration of criminal justice or criminal justice agency employment; [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

B. Any person for any purpose when expressly authorized by a statute, court rule, court decision or court order containing language specifically referring to confidential juvenile history record information or one or more of the types of confidential juvenile history record information; or [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

C. A public entity for purposes of international travel, such as issuing visas and granting of citizenship. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

[PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

5. Required inquiry to State Bureau of Identification. A Maine criminal justice agency, other than a court, shall query the Department of Public Safety, State Bureau of Identification before disseminating any confidential juvenile history record information for a noncriminal justice purpose to ensure that the most up-to-date disposition information is being used. For purposes of this subsection, "noncriminal justice purpose" means a purpose other than for the administration of juvenile justice, the administration of criminal justice or criminal justice agency employment. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

6. Unlawful dissemination of confidential juvenile history record information. Any person who intentionally disseminates confidential juvenile history record information knowing it to be in violation of any provision of this chapter commits a civil violation for which a fine of not more than \$1,000 may be adjudged. The District Court has jurisdiction over violations under this subsection. [PL 2021, c. 365, §9 (NEW); PL 2021, c. 365, §37 (AFF).]

SECTION HISTORY

PL 2021, c. 365, §9 (NEW). PL 2021, c. 365, §37 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 130th Maine Legislature and is current through October 31, 2021. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.