

§3314. Disposition

1. Dispositional alternatives. When a juvenile has been adjudicated as having committed a juvenile crime, the court shall enter a dispositional order containing one or more of the following alternatives.

A. The court may allow the juvenile to remain in the legal custody of the juvenile's parent or parents, guardian or legal custodian under such conditions as the court may impose. Conditions may include participation by the juvenile or the juvenile's parent or parents, guardian or legal custodian in treatment services aimed at the rehabilitation of the juvenile and improvement of the home environment. [PL 2019, c. 525, §27 (AMD).]

B. The court may require a juvenile to participate in a supervised work or service program. Such a program may provide restitution to the victim by requiring the juvenile to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from such a program. Such a supervised work or service program may be required as a condition of probation if:

- (1) The juvenile is not deprived of the schooling that is appropriate to the juvenile's age, needs and specific rehabilitative goals;
- (2) The supervised work program is of a constructive nature designed to promote rehabilitation and is appropriate to the age level and physical ability of the juvenile; and
- (3) The supervised work program assignment is made for a period of time not exceeding 180 days.

A juvenile participating in a supervised work or service program, performing community service or providing restitution under this section or section 3301 may not be subject to Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992. [PL 1997, c. 619, §2 (AMD).]

C. [PL 1991, c. 493, §21 (RP).]

C-1. The court may commit a juvenile to the custody of the Department of Health and Human Services when the court has determined that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B, and that continuation therein would be contrary to the welfare of the juvenile. The court may not enter an order under this paragraph unless the parents have had notice and an opportunity to be heard at the dispositional hearing.

Notwithstanding any other provision of law, the court may not commit a juvenile to the custody of the Department of Health and Human Services unless such notice has been served on the parents, custodians and the Department of Health and Human Services in accordance with District Court civil rules at least 10 days prior to the dispositional hearing. A party may waive this time requirement if the waiver is written and voluntarily and knowingly executed in court before a judge.

The Department of Health and Human Services shall provide for the care and placement of the juvenile as for other children in the department's custody pursuant to the Child and Family Services and Child Protection Act, Title 22, chapter 1071, subchapter VII.

The court may impose conditions that may include participation by the juvenile or the juvenile's parents or legal guardian in treatment services aimed at the rehabilitation of the juvenile, reunification of the family and improvement of the home environment. [PL 2001, c. 696, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

C-2. The court may commit a juvenile to the custody of a relative or other person when the court determines that this is in the best interest of the juvenile. The court may not enter an order under

this paragraph unless the parents have had notice and an opportunity to be heard at the dispositional hearing. [PL 1985, c. 439, §16 (NEW).]

D. [PL 1991, c. 493, §22 (RP).]

E. The court may require the juvenile to pay restitution pursuant to section 3314-C. [PL 2019, c. 474, §2 (AMD).]

F. The court may commit the juvenile to a Department of Corrections juvenile correctional facility, except that, beginning October 1, 2021, the juvenile must be at least 12 years of age at the time of commitment to be committed to such a facility. Whenever a juvenile is committed to a Department of Corrections juvenile correctional facility, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a commitment to a Department of Corrections juvenile correctional facility, which continues to be governed by section 3313. [PL 2021, c. 326, §11 (AMD).]

G. Except for a violation of section 3103, subsection 1, paragraph H, the court may impose a fine, subject to Title 17-A, sections 1701 to 1711, except that there is no mandatory minimum fine amount. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B and C are subject to a fine of up to \$1,000. [PL 2019, c. 113, Pt. C, §47 (AMD).]

H. The court may order the juvenile to serve a period of confinement that may not exceed 30 days, with or without an underlying suspended disposition of commitment to a Department of Corrections juvenile correctional facility, which confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section 1807 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 2305 except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. For purposes of calculating the commencement of the period of confinement, credit is accorded only for the portion of the first day for which the juvenile is actually confined; the juvenile may not be released until the juvenile has served the full term of hours or days imposed by the court. When a juvenile is committed for a period of confinement, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that reasonable efforts are not necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a period of confinement. [PL 2021, c. 330, §4 (AMD).]

I. The court may order the juvenile unconditionally discharged. [PL 1977, c. 520, §1 (NEW).] [PL 2021, c. 326, §11 (AMD); PL 2021, c. 330, §4 (AMD).]

2. Suspended disposition. The court may impose any of the dispositional alternatives provided in subsection 1 and may suspend its disposition and place the juvenile on a specified period of probation that is subject to such provisions of Title 17-A, section 1807 as the court may order and that is administered pursuant to the provisions of Title 34-A, chapter 5, subchapter 4, except that the court

may not impose the condition set out in Title 17-A, section 1807, subsection 5. The court may impose as a condition of probation that a juvenile must reside outside the juvenile's home in a setting satisfactory to the juvenile community corrections officer if the court determines that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B, and that continuation in the juvenile's home would be contrary to the welfare of the juvenile. Imposition of such a condition does not affect the legal custody of the juvenile.

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

[PL 2019, c. 113, Pt. C, §49 (AMD).]

3. Disposition for violation of section 3103, subsection 1, paragraph E or F. When a juvenile has been adjudicated as having committed the juvenile crime under section 3103, subsection 1, paragraph E or F, the court may impose any of the dispositional alternatives contained in subsection 1. Any incarceration that is imposed may be part of a disposition pursuant to subsection 1, paragraph F or H. Any incarceration in a detention facility must be in a facility designated in subsection 1, paragraph H.

A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license must be suspended by the court for a period of 180 days. The period of suspension may not be suspended by the court. The court shall give notice of the suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State. A further suspension may be imposed by the Secretary of State pursuant to Title 29-A, section 2451, subsection 3. [PL 1995, c. 65, Pt. A, §48 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

[PL 1995, c. 65, Pt. A, §48 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

3-A. Operator's license suspension for drug offenses. The court may suspend for a period of up to 6 months the license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license of any person who violates Title 17-A, chapter 45; Title 22, section 2383, unless the juvenile is authorized to possess cannabis for medical use pursuant to Title 22, chapter 558-C; Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is adjudicated pursuant to this chapter to have committed a juvenile crime.

The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State.

[RR 2009, c. 2, §36 (COR); PL 2021, c. 669, §5 (REV).]

3-B. Operator's license suspension for drug trafficking. If a juvenile uses a motor vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other authorized penalties, suspend the juvenile's operator's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed one year. A suspension may not begin until after any period of incarceration is served. If the court suspends a juvenile's operator's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the juvenile's operator's license. The Secretary of State may not reinstate the juvenile's operator's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the juvenile demonstrates that after having been released and discharged from any period of incarceration that may have been ordered, the juvenile has served the period of suspension ordered by the court.

[PL 2005, c. 328, §13 (NEW).]

4. Medical support. Whenever the court commits a juvenile to a Department of Corrections juvenile correctional facility or to the Department of Health and Human Services or for a period of detention or places a juvenile on a period of probation, it shall require the parent or legal guardian to provide medical insurance for or contract to pay the full cost of any medical treatment, mental health treatment, substance use disorder treatment and counseling that may be provided to the juvenile while the juvenile is committed, including while on aftercare status or on probation, unless it determines that such a requirement would create an excessive hardship on the parent or legal guardian, or other dependent of the parent or legal guardian, in which case it shall require the parent or legal guardian to pay a reasonable amount toward the cost, the amount to be determined by the court.

An order under this subsection is enforceable under Title 19-A, section 2603.

[PL 2017, c. 407, Pt. A, §54 (AMD).]

5. Support orders. Whenever the court commits a juvenile to the Department of Health and Human Services, to a Department of Corrections juvenile correctional facility or to a relative or other person, the court shall order either or both parents of the juvenile to pay child support in accordance with the child support guidelines under Title 19-A, section 2006. The order is enforceable under Title 19-A, section 2603.

[PL 2005, c. 352, §1 (AMD).]

6. Forfeiture of firearms. As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393; Title 17-A, section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; Title 17-A, section 1105-D, subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would

have been forfeited pursuant to Title 17-A, section 1504 if the criminal conduct had been committed by an adult must be forfeited to the State and the juvenile court shall so order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that constitutes the juvenile crime. Rules adopted by the Attorney General that govern the disposition of firearms forfeited pursuant to Title 17-A, section 1504 govern forfeitures under this subsection.

[PL 2019, c. 113, Pt. C, §50 (AMD).]

7. Enforcement of a dispositional order or order to appear. After notice and hearing and in accordance with the Maine Rules of Civil Procedure, Rule 66, the court may exercise its inherent contempt power by way of a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. The court may not order confinement as a contempt sanction for any juvenile who has not attained 14 years of age. Any confinement imposed as a punitive or remedial sanction upon a person who has not attained 18 years of age may not exceed 30 days and must be served in a facility approved or operated by the Department of Corrections exclusively for juveniles. Any confinement imposed as a punitive or remedial sanction upon a person who has attained 18 years of age, if to be served in a facility approved or operated by the Department of Corrections exclusively for juveniles, may not exceed 30 days. To enforce the disposition ordered following an adjudication for a juvenile crime defined in section 3103, subsection 1, paragraph B or C upon a person who has not attained 18 years of age, the court shall, at the time of the disposition, provide written notice to the juvenile of the court's authority to enforce the dispositional order through an exercise of its inherent contempt power and that a contempt order could include an order of confinement for up to 30 days as a punitive sanction and for up to 30 days as a remedial sanction. Except as explicitly set out in this subsection, nothing in this subsection affects the court's ability to exercise its contempt powers for persons who have attained 18 years of age.

[PL 2019, c. 474, §3 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §§34-38 (AMD). PL 1979, c. 233, §§2,3 (AMD). PL 1979, c. 512, §6 (AMD). PL 1979, c. 681, §§29-32 (AMD). PL 1981, c. 379, §§1,2 (AMD). PL 1981, c. 493, §3 (AMD). PL 1981, c. 679, §9 (AMD). PL 1983, c. 480, §§B17-B19 (AMD). PL 1983, c. 581, §2 (AMD). PL 1985, c. 439, §§15,16 (AMD). PL 1985, c. 715, §1 (AMD). PL 1987, c. 297 (AMD). PL 1987, c. 400, §§2,3 (AMD). PL 1987, c. 720, §5 (AMD). PL 1989, c. 231, §2 (AMD). PL 1989, c. 445, §6 (AMD). PL 1989, c. 502, §§A43,A44 (AMD). PL 1989, c. 599, §8 (AMD). PL 1989, c. 850, §1 (AMD). PL 1989, c. 875, §§E21,22 (AMD). PL 1991, c. 493, §§21-24 (AMD). PL 1991, c. 493, §28 (AFF). PL 1991, c. 776, §§2,3 (AMD). PL 1991, c. 885, §E17 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1993, c. 354, §§8,9 (AMD). PL 1993, c. 658, §2 (AMD). PL 1995, c. 65, §§A48,49 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 253, §4 (AMD). PL 1995, c. 470, §8 (AMD). PL 1995, c. 502, §§F5-7 (AMD). PL 1995, c. 647, §3 (AMD). PL 1995, c. 690, §6 (AMD). PL 1997, c. 24, §RR6 (AMD). PL 1997, c. 339, §1 (AMD). PL 1997, c. 591, §1 (AMD). PL 1997, c. 619, §2 (AMD). PL 1997, c. 752, §§18-23 (AMD). PL 1999, c. 260, §A9 (AMD). PL 1999, c. 367, §1 (AMD). PL 1999, c. 624, §§A7,8 (AMD). RR 2001, c. 2, §A24 (COR). RR 2001, c. 2, §A25 (AFF). PL 2001, c. 696, §§3-5 (AMD). PL 2003, c. 180, §9 (AMD). PL 2003, c. 239, §1 (AMD). PL 2003, c. 305, §6 (AMD). PL 2003, c. 503, §§1,2 (AMD). PL 2003, c. 657, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 328, §§12,13 (AMD). PL 2005, c. 352, §1 (AMD). PL 2005, c. 507, §§10-12 (AMD). PL 2007, c. 96, §§5, 6 (AMD). PL 2007, c. 196, §5 (AMD). PL 2007, c. 536, §3 (AMD). PL 2007, c. 695, Pt. A, §19 (AMD). RR 2009, c. 2, §§35, 36 (COR). PL 2009, c. 93, §12 (AMD). PL 2009, c. 608, §1, 2 (AMD). PL 2015, c. 485, §1 (AMD). PL 2017, c. 377, §2 (AMD). PL 2017, c. 407, Pt. A, §54 (AMD). PL 2019, c. 113, Pt. C, §§46-50 (AMD). PL 2019, c. 474, §§2,

3 (AMD). PL 2019, c. 525, §27 (AMD). PL 2021, c. 326, §11 (AMD). PL 2021, c. 330, §4 (AMD). PL 2021, c. 669, §5 (REV).

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