

§3101. Jurisdiction

1. District Court as Juvenile Court. The District Court shall exercise the jurisdiction conferred by this Part and, when exercising such jurisdiction, shall be known and referred to as the Juvenile Court. [PL 1979, c. 681, §38 (AMD).]

2. Juvenile Court jurisdiction.

A. The Juvenile Court shall have exclusive original jurisdiction, subject to waiver of jurisdiction as provided in subsection 4, of proceedings in which a juvenile is alleged to have committed a juvenile crime, as defined in section 3103. [PL 1979, c. 681, §38 (AMD).]

B. [PL 1977, c. 664, §7 (RP).]

C. Juvenile Courts have jurisdiction over all petitions brought under Title 34-A, chapter 9, subchapter 7 pertaining to juveniles who have been adjudicated as having committed juvenile crimes in other states, but who are found within the territorial jurisdiction of the State. [PL 2017, c. 127, §1 (AMD).]

D. Juvenile Courts have exclusive original jurisdiction over proceedings in which an adult is alleged to have committed a juvenile crime before attaining 18 years of age. For purposes of a proceeding under this paragraph, the adult is considered a juvenile. [PL 2019, c. 525, §9 (AMD).]

E. Juvenile Courts shall have jurisdiction concurrent with the District Courts over petitions for emancipation brought under section 3506-A. [PL 1981, c. 619, §3 (NEW).]

F. The jurisdiction of the Juvenile Court is concurrent with that of a federal court sitting in the State over proceedings involving an alleged violation of federal law committed by a juvenile on a military installation of the United States Department of Defense if:

(1) The United States Attorney for the District of Maine or the federal court waives exclusive jurisdiction; and

(2) The violation of federal law is also a juvenile crime as defined in section 3103, subsection 1. [PL 2023, c. 605, §2 (NEW).]

[PL 2023, c. 605, §2 (AMD).]

3. Juveniles mistakenly tried as adults.

A. If, during the pendency of any prosecution for a violation of law, in any court in the State against any person charged as an adult, it is ascertained that the person is a juvenile, or was a juvenile at the time the crime was committed, the court shall forthwith dismiss the case. [PL 1977, c. 520, §1 (NEW).]

B. When a dismissal is ordered pursuant to paragraph A, a petition under chapter 507, alleging the same violation of law for which the juvenile was charged as an adult may be filed in Juvenile Court. [PL 1979, c. 681, §38 (AMD).]

[PL 1979, c. 681, §38 (AMD).]

4. Bind-over.

A. When a petition alleges that a juvenile has committed an act that would be murder or a Class A, B or C crime if committed by an adult, the court shall, upon request of the prosecuting attorney, continue the case for further investigation and for a bind-over hearing to determine whether the jurisdiction of the Juvenile Court over the juvenile should be waived. If a continuance is granted under this paragraph, the court shall advise the juvenile and the juvenile's parent or parents, guardian or legal custodian of the possible consequences of a bind-over hearing, the right to be represented by counsel, and other relevant constitutional and legal rights. [PL 2019, c. 525, §10 (AMD).]

B. Every bind-over hearing shall precede and shall be conducted separately from any adjudicatory hearing.

The Maine Rules of Evidence shall apply only to the probable cause portion of the bind-over hearing.

For the purpose of making the findings required by paragraph E, subparagraph (2), written reports and other material may be received by the court along with other evidence, but the court, if so requested by the juvenile, the juvenile's parent or guardian or other party, shall require that the person or persons who wrote the report or prepared the material appear as witness and be subject to examination, and the court may require that the persons whose statements appear in the report appear as witnesses and be subject to examination. [PL 1989, c. 502, Pt. B, §16 (AMD).]

C. A verbatim record shall be kept in all bind-over proceedings. [PL 1977, c. 520, §1 (NEW).]

C-1. With respect to the finding of probable cause required by paragraph E, subparagraph (1), the State has the burden of proof. [PL 1997, c. 645, §2 (NEW).]

C-2. With respect to the finding of appropriateness required by paragraph E, subparagraph (2), the State has the burden of proof, except that in a case involving a juvenile who is charged with one or more juvenile crimes that, if the juvenile were an adult, would constitute murder, aggravated attempted murder, attempted murder, felony murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault on a pregnant person, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery or Class A gross sexual assault in which the victim submits as a result of compulsion, the juvenile has the burden of proof. [PL 2007, c. 475, §6 (AMD).]

D. The Juvenile Court shall consider the following factors in deciding whether to bind a juvenile over for prosecution as an adult:

- (1) Seriousness of the crime: the nature and seriousness of the offense with greater weight being given to offenses against the person than against property; whether the offense was committed in an aggressive, violent, premeditated or intentional manner;
- (2) Characteristics of the juvenile: the record and previous history of the juvenile; the age of the juvenile; the juvenile's emotional attitude and pattern of living;
- (3) Public safety: whether the protection of the community requires commitment of the juvenile for a period longer than the greatest commitment authorized; whether the protection of the community requires commitment of the juvenile to a facility that is more secure than any dispositional alternative under section 3314; and
- (4) Dispositional alternatives: whether future criminal conduct by the juvenile will be deterred by the dispositional alternatives available; whether the dispositional alternatives would diminish the gravity of the offense. [PL 2015, c. 409, §1 (AMD).]

E. The Juvenile Court shall bind a juvenile over for prosecution as an adult if it finds:

- (1) That there is probable cause to believe that a juvenile crime has been committed that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult and that the juvenile to be bound over committed it; and
- (2) After a consideration of the seriousness of the crime, the characteristics of the juvenile, the public safety and the dispositional alternatives in paragraph D, that:
 - (a) If the State has the burden of proof, the State has established by a preponderance of the evidence that it is appropriate to prosecute the juvenile as if the juvenile were an adult; or

(b) If the juvenile has the burden of proof, the juvenile has failed to establish by a preponderance of the evidence that it is not appropriate to prosecute the juvenile as if the juvenile were an adult. [PL 2015, c. 409, §2 (AMD).]

E-1. [PL 2013, c. 28, §1 (RP).]

E-2. Except as provided in paragraph E-3, if the Juvenile Court binds a juvenile over for prosecution as an adult and has directed the detention of the juvenile, if the juvenile attains 18 years of age and is being detained, the juvenile must be detained in an adult section of a jail. [PL 2025, c. 361, §1 (AMD).]

E-3. The following provisions govern a stay of detention of a juvenile in an adult section of a jail pending indictment.

(1) The Department of Corrections may request that a juvenile who would otherwise be detained in an adult section of a jail be detained in a detention facility approved or operated by the department exclusively for juveniles, referred to in this paragraph as a "juvenile facility," under the following conditions:

(a) The juvenile is ordered detained pending the return of an indictment, including any period of time the juvenile is detained pending an appeal of the order binding the juvenile over for prosecution as an adult taken following the issuance of the bind-over order;

(b) The request is made to the Juvenile Court at least 14 days prior to the bind-over hearing or, if the juvenile will not have attained 18 years of age at the time of the hearing, at least 30 days prior to the juvenile attaining 18 years of age; and

(c) Notice of the request is provided by the department to the prosecuting attorney and the attorney for the juvenile.

(2) The Juvenile Court that conducts the bind-over hearing may grant a request made pursuant to subparagraph (1). If the request is made to the Juvenile Court prior to the bind-over hearing, the Juvenile Court shall include its decision in the bind-over order if the State's motion for bind-over is granted. If the juvenile will not have attained 18 years of age at the time of the hearing, and the request is made subsequently, the Juvenile Court shall decide whether to grant the request prior to the juvenile attaining 18 years of age.

(3) The Juvenile Court shall consider the following factors in deciding whether to permit a bound-over juvenile to remain within a juvenile facility pending the return of an indictment:

(a) Whether the juvenile's behavior at the juvenile facility creates a risk of harm to others at the facility;

(b) Whether the juvenile has behavioral health needs that would be better addressed at the juvenile facility; and

(c) Whether the juvenile is engaged in education or treatment programs at the juvenile facility that would be disrupted by detention in the adult section of a jail.

(4) The Juvenile Court shall grant the request made pursuant to subparagraph (1) if it finds, by a preponderance of the evidence, that it would be appropriate for the juvenile to remain in a juvenile facility pending indictment.

(5) If the Juvenile Court grants the request made pursuant to subparagraph (1), the department may at any time request that the Juvenile Court rescind the order if detention at a juvenile facility is no longer appropriate for the juvenile considering the factors described in subparagraph (3).

(6) A person may not be detained in a detention facility approved or operated by the department exclusively for juveniles if the person has attained 18 years of age and an indictment is returned or if the person attains 21 years of age. [PL 2025, c. 361, §2 (NEW).]

F. The Juvenile Court shall bind over a child by entering an order finding probable cause, waiving jurisdiction and certifying the case for proceedings before the grand jury. The Juvenile Court shall enter written findings supporting its order finding probable cause and waiving jurisdiction. Proceedings concerning a juvenile who has been bound over for prosecution as an adult must be conducted in the same manner and with the same powers and duties as if the juvenile were an adult. [PL 2015, c. 409, §4 (AMD).]

G. In all prosecutions for subsequent crimes, any person bound over and convicted as an adult must be proceeded against as if the juvenile were an adult. [PL 2019, c. 525, §11 (AMD).]
[PL 2025, c. 361, §§1, 2 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §§6-10 (AMD). PL 1979, c. 512, §2 (AMD). PL 1979, c. 663, §115 (AMD). PL 1979, c. 681, §§3-5,38 (AMD). PL 1981, c. 470, §A33 (AMD). PL 1981, c. 619, §3 (AMD). PL 1987, c. 398, §2 (AMD). PL 1989, c. 502, §B16 (AMD). PL 1997, c. 645, §§2-5 (AMD). PL 2003, c. 706, §A1 (AMD). PL 2007, c. 475, §6 (AMD). PL 2013, c. 28, §§1, 2 (AMD). PL 2015, c. 409, §§1-4 (AMD). PL 2017, c. 127, §1 (AMD). PL 2019, c. 525, §§9-10 (AMD). PL 2023, c. 605, §2 (AMD). PL 2025, c. 361, §§1, 2 (AMD).

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