

Title 15: COURT PROCEDURE -- CRIMINAL
Chapter 501: GENERAL PROVISIONS

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Maine Revised Statutes
Title 15: COURT PROCEDURE -- CRIMINAL
Chapter 501: GENERAL PROVISIONS

§3001. TITLE

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

SECTION HISTORY
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; [1997, c. 645, §1 (AMD).]

B. To preserve and strengthen family ties whenever possible, including improvement of home environment; [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; [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; [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 [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. [1997, c. 645, §1 (NEW).]

[1997, c. 645, §1 (AMD) .]

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

[1977, c. 520, §1 (NEW) .]

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

§3003. DEFINITIONS

As used in this Part, unless the context otherwise indicates, the following words and phrases shall have the following meanings. [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.

[2013, c. 234, §2 (AMD) .]

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

[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.

[2005, c. 328, §4 (AMD) .]

3. Bind over hearing. "Bind over hearing" means a hearing at which the Juvenile Court determines whether or not to permit the State to proceed against a juvenile as if he were an adult.

[1979, c. 681, §38 (AMD) .]

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

[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.

[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.

[2009, c. 2, §33 (COR) .]

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.

[1977, c. 520, §1 (NEW) .]

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

[1977, c. 520, §1 (NEW) .]

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

[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 the person and managing the property and rights of another person, who, because of age, is considered incapable of administering his own affairs.

[1977, c. 520, §1 (NEW) .]

9. He.

[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.

[1999, c. 624, Pt. B, §1 (AMD) .]

11. Intake.

[1977, c. 664, §3 (RP) .]

12. Intake worker.

[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.

[1977, c. 520, §1 (NEW) .]

14. Juvenile. "Juvenile" means any person who has not attained the age of 18 years.

[1977, c. 520, §1 (NEW) .]

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.

[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; [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 [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. [1999, c. 624, Pt. B, §2 (AMD).]

[2003, c. 688, Pt. A, §11 (AMD) .]

15. Juvenile Court. "Juvenile Court" means the District Court exercising the jurisdiction conferred by section 3101.

[1979, c. 681, §38 (AMD) .]

16. Juvenile crime. "Juvenile crime" has the meaning set forth in section 3103.

[1977, c. 520, §1 (NEW) .]

17. Law enforcement officer.

[2013, c. 588, Pt. A, §18 (RP) .]

18. Legal custodian. "Legal custodian" means a person who has legal custody of a juvenile.

[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.

[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.

[2013, c. 234, §5 (NEW) .]

20. Organization.

[2013, c. 234, §6 (RP) .]

21. Parent. "Parent" means either a natural parent or the adoptive parent of a juvenile.

[1977, c. 520, §1 (NEW) .]

22. Person.

[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, which permits the juvenile to remain in his own home or other placement designated by the Juvenile Court subject to revocation for violation of any condition imposed by the court.

[1979, c. 681, §2 (AMD) .]

24. Probation officer; juvenile probation officer.

[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.

[1991, c. 493, §2 (AMD) .]

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

[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.

[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.

[1985, c. 439, §7 (NEW) .]

SECTION HISTORY

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

§3004. SEVERABILITY

(REPEALED)

SECTION HISTORY

1977, c. 520, §1 (NEW). 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. [1995, c. 502, Pt. F, §4 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

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

§3006. REVIEW OF MAINE JUVENILE CODE

(REPEALED)

SECTION HISTORY

1989, c. 925, §3 (NEW). 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 1175. [1999, c. 280, §1 (NEW).]

SECTION HISTORY

1999, c. 280, §1 (NEW).

§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. [1999, c. 595, §1 (NEW).]

SECTION HISTORY

1999, c. 595, §1 (NEW).

§3009. INFORMATION RELATED TO REINTEGRATION OF JUVENILE INTO SCHOOL

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.

[2001, c. 452, §1 (NEW) .]

2. 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.

[2003, c. 205, §3 (AMD) .]

SECTION HISTORY

2001, c. 452, §1 (NEW). 2003, c. 205, §3 (AMD).

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