

**Maine Revised Statutes**  
**Title 15: COURT PROCEDURE -- CRIMINAL**  
**Chapter 507: PETITION, ADJUDICATION AND DISPOSITION**

**§3308. COURT RECORDS; INSPECTION**

**1. Inspection.** No person may inspect the records of juvenile proceedings except as provided in this section.

[ 1977, c. 520, §1 (NEW) .]

**2. Hearings open to public.** In the case of a hearing open to the general public under section 3307, the petition, the record of the hearing and the order of adjudication are open to public inspection, provided that any court subsequently sentencing the juvenile after the juvenile has become an adult may consider only murder and Class A, Class B and Class C offenses committed by the juvenile. The petition, the record of the hearing and the order of adjudication are open to inspection by the victim regardless of whether the hearing is open to the general public under section 3307.

[ 1997, c. 421, Pt. A, §4 (AMD) .]

**3. Parties.** Records of court proceedings and of the other records described in subsection 5 must be open to inspection by the juvenile, the juvenile's parents, guardian or legal custodian, the juvenile's attorney, the prosecuting attorney and to any agency to which legal custody of the juvenile was transferred as a result of adjudication. These records may also be open to inspection by the Department of Health and Human Services prior to adjudication if commitment to the Department of Health and Human Services is a proposed disposition.

[ 1991, c. 493, §20 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

**3-A. Victims.** The name of a juvenile subject to Juvenile Court proceedings shall be made known by the Juvenile Court to the victim of the juvenile crime on his request.

[ 1979, c. 681, §21 (NEW) .]

**4. Other persons.** With the consent of the court, records of court proceedings excluding the names of the juvenile, his parents, guardian, legal custodian, his attorney or any other parties may be inspected by persons having a legitimate interest in the proceedings or by persons conducting pertinent research studies.

[ 1983, c. 480, Pt. B, §15 (AMD) .]

**5. Other records.** Police records, juvenile community corrections officers' records and all other reports of social and clinical studies may not be open to inspection except with consent of the court or except to the extent that such records, reports and studies were made a part of the record of a hearing that was open to the general public under section 3307.

[ 1999, c. 624, Pt. B, §18 (AMD) .]

**6. Records to Secretary of State.** Whenever a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, the court shall forthwith transmit to the Secretary of State an abstract, duly certified, setting forth the name of the juvenile, the offense, the date of the offense,

the date of the adjudicatory hearing and any other pertinent facts. These records are admissible in evidence in hearings conducted by the Secretary of State or any of the Secretary of State's deputies and are open to public inspection.

Nothing in this Part may be construed to limit the authority of the Secretary of State, pursuant to Title 29-A, to suspend a person's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license.

[ 1995, c. 65, Pt. A, §47 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**7. Dissemination of information.** The following provisions apply to the dissemination of information contained in the records of juvenile proceedings.

A. For purposes of this subsection the following terms have the following meanings.

- (1) "Administration of criminal justice" has the same meaning as found in Title 16, section 703, subsection 1.
- (2) "Administration of juvenile criminal justice" means activities related to 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. It includes the collection, storage and dissemination of juvenile crime information.
- (3) "Criminal justice agency" has the same meaning as found in Title 16, section 703, subsection 4.
- (4) "Dissemination" has the same meaning as found in Title 16, section 703, subsection 6. [ 2013, c. 267, Pt. B, §6 (AMD) .]

B. Nothing in this section precludes sharing of any information in the records of court proceedings or other records described in subsection 5 by one criminal justice agency with another criminal justice agency for the administration of criminal justice or juvenile criminal justice or for criminal justice agency employment. [1997, c. 645, §10 (RPR) .]

B-1. Nothing in this section precludes dissemination of any information in the records of court proceedings and in the other records described in subsection 5, if:

- (1) The juvenile has been adjudicated as having committed a juvenile crime;
- (2) The information is disseminated by and to persons who directly supervise or report on the health, behavior or progress of the juvenile, the superintendent of the juvenile's school and the superintendent's designees, criminal justice agencies or agencies that are or might become responsible for the health or welfare of the juvenile as a result of a court order or by agreement with the Department of Corrections or the Department of Health and Human Services; and
- (3) The information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into a school.

Any information received under this paragraph is confidential and may not be further disseminated, except as otherwise provided by law. [ 2001, c. 452, §2 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

C. Nothing in this section precludes dissemination of any information in the records of the Department of Corrections if the person concerning whom the records are sought, the person's legal guardian, if any, and if the person is a minor, the person's parent or legal guardian has given informed written consent to the disclosure of the records. [1997, c. 421, Pt. A, §6 (AMD) .]

D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is committed to a Department of Corrections juvenile correctional facility or placed on probation, the Department of Corrections shall provide, while the juvenile is committed or on probation, a copy of the juvenile's judgment and commitment to the

Department of Health and Human Services, to all law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the superintendent of any school system in which the juvenile attends school during the period of commitment or probation. The Department of Corrections shall provide a copy of the juvenile's judgment and commitment to all licensed and registered day-care facility operators located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. Upon request, the Department of Corrections shall also provide a copy of the juvenile's judgment and commitment to other entities that are involved in the care of children and are located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither the failure of the Department of Corrections to perform the requirements of this paragraph nor compliance with this paragraph subjects the Department of Corrections or its employees to liability in a civil action. [1997, c. 752, §15 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

E. When a juvenile is charged in a juvenile petition that alleges the use or threatened use of physical force against a person or when a juvenile is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of physical force against a person, the district attorney in the district where the charges were brought shall provide to the superintendent of the juvenile's school or the superintendent's designees:

- (1) The name of the juvenile;
- (2) The nature of the alleged offense or offense;
- (3) The date of the alleged offense or offense;
- (4) The date of the petition;
- (5) The date of the adjudication, if applicable; and
- (6) The location of the court where the case was brought, if applicable.

All information provided under this paragraph is confidential and may not be further distributed, except as provided in Title 20-A, section 1055, subsection 11. Information provided pursuant to this paragraph to the superintendent of the juvenile's school or the superintendent's designees may not become part of the student's education record. [1999, c. 345, §1 (NEW).]

[ 2013, c. 267, Pt. B, §6 (AMD) .]

**8. Juvenile records sealed.** This subsection governs the sealing of records of a person adjudicated to have committed a juvenile crime.

A. A person adjudicated to have committed a juvenile crime may petition the court to seal from public inspection all records pertaining to the juvenile crime and its disposition, and to any prior juvenile records and their dispositions if:

- (1) At least 3 years have passed since the person's discharge from the disposition ordered for that juvenile crime;
- (2) Since the date of disposition, the person has not been adjudicated to have committed a juvenile crime and has not been convicted of committing a crime; and
- (3) There are no current adjudicatory proceedings pending for a juvenile or other crime. [1989, c. 744, §5 (NEW).]

B. The court may grant the petition if it finds that the requirements of paragraph A are satisfied, unless it finds that the general public's right to information substantially outweighs the juvenile's interest in privacy. [1989, c. 744, §5 (NEW).]

C. Notwithstanding subsections 3, 3-A, 4 and 5, the court order sealing the records permits only the following persons to have access to the sealed records:

- (1) The courts and criminal justice agencies as provided by this section; and
- (2) The person whose juvenile records are sealed or that person's designee. [1989, c. 744, §5 (NEW).]

D. If the petition is granted, the person may respond to inquiries from other than the courts and criminal justice agencies about that person's juvenile crimes, the records of which have been sealed, as if the juvenile crimes had never occurred, without being subject to any sanctions. [1989, c. 744, §5 (NEW).]

[ 1989, c. 744, §5 (NEW) .]

**9. Records of Juvenile Court.** Notwithstanding any other provision of this section, records of Juvenile Court proceedings and the police records and other records described in subsection 5 must be open to inspection by the Victims' Compensation Board at any time if a juvenile is alleged to have committed an offense upon which an application to the board is based.

[ 1997, c. 378, §13 (NEW) .]

#### SECTION HISTORY

1977, c. 520, §1 (NEW). 1977, c. 664, §30 (AMD). 1979, c. 681, §§20,21 (AMD). 1981, c. 204, §2 (AMD). 1981, c. 679, §8 (AMD). 1983, c. 480, §B15 (AMD). 1985, c. 426, (AMD). 1985, c. 439, §14 (AMD). 1989, c. 744, §5 (AMD). 1991, c. 493, §20 (AMD). 1993, c. 354, §§6,7 (AMD). 1995, c. 65, §A47 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 690, §1 (AMD). 1997, c. 278, §§1,2 (AMD). 1997, c. 378, §13 (AMD). 1997, c. 421, §§A4-6 (AMD). 1997, c. 548, §A1 (AMD). 1997, c. 645, §10 (AMD). 1997, c. 752, §15 (AMD). 1999, c. 345, §1 (AMD). 1999, c. 624, §B18 (AMD). 2001, c. 452, §2 (AMD). 2003, c. 689, §B6 (REV). 2013, c. 267, Pt. B, §6 (AMD).

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