

§3003. Definitions

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. 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 had not attained 18 years of age at the time the person allegedly committed a juvenile crime.

[PL 2023, c. 136, §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. 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. 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). PL 2023, c. 136, §1 (AMD).

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 Regular and First Special Session of the 131st Maine Legislature and is current through November

1. 2023. 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.