

CHAPTER 503

JURISDICTION

§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. 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 2015, c. 409, §3 (AMD).]

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 2019, c. 525, §§10, 11 (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).

§3102. Venue

Proceedings in cases brought under the provisions of section 3101 must be commenced in accordance with Rule 21 of the Maine Rules of Unified Criminal Procedure. [PL 2015, c. 431, §27 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1989, c. 741, §1 (AMD). PL 2015, c. 431, §27 (AMD).

§3103. Juvenile crimes

1. Definition. The term "juvenile crime," as used in this Part, means the following offenses:

A. Conduct that, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, except for those provisions of Titles 12 and 29-A not specifically included in paragraphs E and F; [PL 1995, c. 65, Pt. A, §45 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

B. Offenses involving illegal drugs or drug paraphernalia as follows:

- (1) The possession of a useable amount of cannabis, as provided in Title 22, section 2383, subsection 1-A, unless the juvenile is authorized to possess cannabis for medical use pursuant to Title 22, chapter 558-C;

- (2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4-B; and
- (3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2; [PL 2017, c. 1, §19 (AMD); PL 2021, c. 669, §5 (REV).]
- C. Offenses involving intoxicating liquor, as provided in Title 28-A, sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087; [PL 2003, c. 305, §2 (AMD).]
- C-1. [PL 1995, c. 470, §2 (RP).]
- D. [PL 2009, c. 93, §2 (RP).]
- E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1-A, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223; [PL 2015, c. 409, §5 (AMD).]
- F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes; [PL 2009, c. 447, §16 (AMD).]
- G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A; and [PL 2003, c. 688, Pt. A, §12 (RPR).]
- H. If a juvenile has been convicted of a crime for a violation of a provision of Title 12 or 29-A not specifically included in paragraph E or F, willful refusal to pay a resulting fine or willful violation of the terms of a resulting administrative release or willful failure to comply with the terms of any other resulting court order. [PL 2005, c. 328, §5 (AMD).]
[PL 2017, c. 1, §19 (AMD); PL 2021, c. 669, §5 (REV).]

2. Dispositional powers. All of the dispositional powers of the Juvenile Court provided in section 3314 apply to a juvenile who is adjudicated to have committed a juvenile crime, except that no commitment to a Department of Corrections juvenile correctional facility or period of confinement may be imposed for conduct described in subsection 1, paragraphs B and C.
[PL 2007, c. 96, §1 (AMD).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §11 (AMD). PL 1979, c. 663, §116 (AMD). PL 1979, c. 681, §§6,38 (AMD). PL 1981, c. 679, §§2-5 (AMD). PL 1983, c. 818, §2 (AMD). PL 1985, c. 214, §§1,2 (AMD). PL 1987, c. 45, §B3 (AMD). PL 1989, c. 445, §§1,2 (AMD). PL 1989, c. 599, §6 (AMD). PL 1989, c. 741, §2 (AMD). PL 1991, c. 516, §3 (AMD). PL 1995, c. 65, §§A45,46 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 470, §§2-4 (AMD). PL 1995, c. 679, §15 (AMD). PL 1997, c. 462, §§2-4 (AMD). PL 1997, c. 752, §6 (AMD). IB 1999, c. 1, §1 (AMD). PL 1999, c. 413, §1 (AMD). PL 2003, c. 305, §§1-3 (AMD). PL 2003, c. 410, §§5-7 (AMD). PL 2003, c. 414, §B29 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 688, §A12 (AMD). PL 2005, c. 328, §5 (AMD). PL 2007, c. 96, §1 (AMD). RR 2009, c. 2, §34 (COR). PL 2009, c. 93, §2 (AMD). PL 2009, c. 447, §16 (AMD). PL 2011, c. 464, §3 (AMD). PL 2015, c. 409, §5 (AMD). PL 2017, c. 1, §19 (AMD). PL 2021, c. 669, §5 (REV).

§3103-A. Provisions of Title 17-A, Part 1 made applicable

The following provisions of Title 17-A, Part 1 are applicable to juvenile crimes: [PL 2013, c. 234, §8 (NEW).]

1. Chapter 1. Chapter 1, except section 1; section 2, subsections 3-C and 5-B; and sections 6, 8, 9 and 17;

[PL 2013, c. 234, §8 (NEW).]

2. Chapter 2. Chapter 2, except section 40;

[PL 2013, c. 234, §8 (NEW).]

3. Chapter 3. Chapter 3, except section 60; and

[PL 2013, c. 234, §8 (NEW).]

4. Chapter 5. Chapter 5.

[PL 2013, c. 234, §8 (NEW).]

SECTION HISTORY

PL 2013, c. 234, §8 (NEW).

§3104. Jurisdiction conferred by general law

Nothing in this chapter shall be deemed to take away from the juvenile court any jurisdiction or duties conferred upon the court by general law, nor to take away from the District Court jurisdiction over offenses conferred on that court and not removed by this Part. [PL 1977, c. 520, §1 (NEW).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW).

§3105. Statute of limitations

(REPEALED)

SECTION HISTORY

PL 1977, c. 664, §12 (NEW). PL 1987, c. 222, §1 (RP). PL 1987, c. 277, §1 (AMD). PL 1987, c. 769, §A53 (AMD).

§3105-A. Statute of limitations

1. Expiration of limitation; defense. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that a prosecution for the juvenile crime of murder or criminal homicide in the first or 2nd degree may be commenced at any time. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that if the victim had not attained 16 years of age at the time of the crime and the juvenile had attained 16 years of age, a prosecution for the juvenile crime of unlawful sexual contact under Title 17-A, former section 255 or section 255-A or gross sexual assault under Title 17-A, section 253 may be commenced at any time if the attorney for the State first presents evidence based on DNA, as defined in section 2136, to the court in a closed hearing that implicates the defendant in the crime by a preponderance of the evidence.

[PL 2005, c. 87, §1 (AMD).]

2. Limitations. Prosecution for juvenile crimes other than murder or criminal homicide in the first or 2nd degree are subject to the following periods of limitations.

A. A prosecution for conduct which, if committed by an adult, is a Class A, Class B or Class C crime, shall be commenced within 6 years after it is committed. [PL 1987, c. 222, §2 (NEW).]

B. A prosecution for conduct which, if committed by an adult, is a Class D or Class E crime shall be commenced within 3 years after it is committed. [PL 1987, c. 222, §2 (NEW).]

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, E, F or H must be commenced within one year after it is committed. [PL 2009, c. 93, §3 (AMD).]

[PL 2009, c. 93, §3 (AMD).]

3. Limitations not to run. The periods of limitations shall not run:

A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years; [PL 1987, c. 222, §2 (NEW).]

B. During any time when a prosecution against the accused for the same juvenile crime based on the same conduct is pending in the Juvenile Court of this State; or [PL 1987, c. 222, §2 (NEW).]

C. During any time when, notwithstanding that the court lacks jurisdiction for a reason stated in Title 17-A, section 10-A, subsection 1, an adult prosecution against the accused for the adult offense based on the same conduct is pending in the District Court or the Superior Court. [PL 1987, c. 222, §2 (NEW).]

[PL 1987, c. 222, §2 (NEW).]

4. Commencement after dismissal. If a timely juvenile petition is dismissed for any error, defect, insufficiency or irregularity, a new prosecution for the same juvenile crime based on the same conduct may be commenced within 3 months after the dismissal, even though the period of limitation has expired at the time of the dismissal or will expire within the period of time.

[PL 1987, c. 222, §2 (NEW).]

5. Elements; commencement of prosecution. For purposes of this section:

A. A juvenile crime is committed when every element of the crime has occurred, or if the juvenile crime consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity in the conduct is terminated; and [PL 1987, c. 222, §2 (NEW).]

B. A prosecution is commenced when a juvenile petition is filed. [PL 1987, c. 222, §2 (NEW).]
[PL 1987, c. 222, §2 (NEW).]

6. Lesser included juvenile crime; effect. The defense established by this section does not bar an adjudication of a juvenile crime included in the juvenile crime charged, notwithstanding that the period of limitation has expired for the included juvenile crime, if, as to the juvenile crime charged, the period of limitation has not expired or there is no such period, and there is evidence that sustains an adjudication for the juvenile crime charged.

[PL 2015, c. 409, §6 (AMD).]

SECTION HISTORY

PL 1987, c. 222, §2 (NEW). PL 1987, c. 769, §A54 (AMD). PL 1989, c. 445, §3 (AMD). PL 1995, c. 470, §5 (AMD). PL 2005, c. 87, §§1,2 (AMD). PL 2009, c. 93, §3 (AMD). PL 2015, c. 409, §6 (AMD).

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