

# MAINE STATE LEGISLATURE

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CHAPTER 405  
PROCEEDINGS AND ADJUDICATION

Sec.

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**§ 2601. Initiation of proceeding against juveniles**

**1. Application; preliminary inquiry; investigation; petition.** Any person may make application, orally or in writing, to any juvenile court having territorial jurisdiction over the acts or offenses covered by chapters 401 to 409. Upon such application, the juvenile court shall make a preliminary inquiry, examining the applicant and witnesses, if any, to determine whether the interests of the public or of the juvenile complained against require that further action be taken. At this juncture, or at any subsequent stage of the proceedings, the court may order an investigation. If it appears that further action should be taken, the juvenile court may authorize a petition to be filed. The petition shall be filed by the applicant or the person making the investigation.

**2. Who may file petition.** Any person having reasonable cause to believe, or personal knowledge, that any juvenile has committed offenses or acts covered by chapters 401 to 409 may file a petition with any juvenile court having territorial jurisdiction over said acts or offenses.

1959, c. 342, § 1.

**§ 2602. Petition**

The person filing a petition shall sign and verify it. The verification may be upon information and belief.

The petition should contain: A plain statement of the facts which bring the juvenile complained against within chapters 401

to 409; the name, birthdate and residence of the juvenile; and the names and addresses of the juvenile's parent or parents or of the juvenile's legal guardian, if there is one, or of the person or persons having custody or control of the juvenile or the nearest known relative, if no parent, guardian or person having custody can be ascertained or found.

If any of the facts required by this section are not known to the petitioner, the petition shall so state.

Any petition may be amended by the juvenile court at any stage of the proceedings, as may be appropriate to carry out the purposes of chapters 401 to 409.

1959, c. 342, § 1.

### **§ 2603. Citation**

Upon the filing of a petition with a juvenile court, a citation shall issue from the juvenile court which shall briefly set forth the substance of the petition. The citation shall issue directing the parent or parents, guardian or other person alleged to have custody or control of the juvenile complained against to appear with the said juvenile at the time and place set for hearing of the petition.

If the person cited is not a parent or guardian of the juvenile complained against, the parent or parents, guardian, or both, may, if and in such manner as the juvenile court deems appropriate, be notified of the petition and of the time and place of hearing.

A citation may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary or proper to effectuate the purposes of chapters 401 to 409.

Failure to obey a citation may be deemed by the juvenile court to be criminal contempt of court and may be punished as such by the juvenile court.

1959, c. 342, § 1.

### **§ 2604. Warrant**

If any person fails to obey a citation or if the juvenile court believes that a citation will be ineffective, it may issue an arrest warrant against any person cited, including the juvenile against whom the petition is filed.

1959, c. 342, § 1.

**§ 2605. Service**

Service of the citation shall be made upon any person within the State of Maine by having delivered in hand to said person an attested copy of the citation at least 24 hours before the time set for the hearing. Such personal service may be made by any police officer within his territorial jurisdiction or by any person duly qualified to serve civil process. Service may be made upon any persons outside the State of Maine by registered mail in such manner as the juvenile court may order, provided only that such service shall be made at least 10 days before the time set for hearing.

1959, c. 342, § 1.

**§ 2606. Record**

Each juvenile court shall keep a record of proceedings to be known as the "juvenile court record." It shall be separate from any District Court records and it shall contain a brief outline and description of juvenile court proceedings, including the disposition of each case. The juvenile court record may be maintained in any place, provided that it shall not be open to the inspection of the general public. With the consent of the juvenile court, the juvenile court record may be examined by a parent, guardian or other person whom the juvenile court might deem to be directly interested. The juvenile court record may be used by the state probation-parole officers, the Cumberland County Juvenile Probation Department, or other correctional, enforcement or welfare authorities as a matter of course. No record of, and no testimony concerning, any proceeding under chapters 401 to 409 shall be competent evidence in any proceeding other than proceedings under chapters 401 to 409, except that juvenile court records pertaining to motor vehicle violations by juveniles shall be transmitted by juvenile courts, together with a summary of the pertinent facts of the motor vehicle violation, to the Secretary of State, and shall be admissible in evidence in hearings conducted by the Secretary of State regarding motor vehicle violations or motor vehicle licenses and registrations.

1959, c. 342, § 1; 1963, c. 402, § 260.

**§ 2607. Notice when juvenile arrested**

When a juvenile is arrested, the arresting officer shall notify, as soon as reasonably possible under all the circumstances, the parent or parents, legal guardian or other person having control

of said juvenile, as well as the State Probation and Parole Board or its representatives, except that in Cumberland County notification shall be given to the Cumberland County Probation Department, of the fact of the juvenile's arrest and of the time and place of the filing of the petition pursuant to section 2601.

1959, c. 342, § 1.

**§ 2608. Custody pending disposition**

When any juvenile has been arrested, the arresting officer shall make arrangements for the juvenile's custody or safekeeping until the juvenile is brought before a juvenile court. If the arresting officer believes that security provisions must be made for any juvenile arrested until he may be brought before a juvenile court, such officer shall transport and deliver said juvenile to any place of detention including a jail designated by the Department of Mental Health and Corrections as a place for the security detention of juveniles, and said juvenile shall be received and held at such place of detention, with or without process.

Once a juvenile has been brought before a juvenile court, said court shall determine the custody or detention to be prescribed for said juvenile, as the court shall deem appropriate, pending disposition of the cause by said juvenile court, including: Requiring bail, or accepting, instead of bail, the personal recognizance of the parent, legal guardian or other suitable person who has control of, or is related to, the juvenile to keep him in secure custody and to produce him before the juvenile court as said court may order. In exercising its discretion, the court may order that the juvenile be detained, pending disposition of the case, in any place deemed by the court to be suitable, including a jail but excepting the Boys Training Center. Detention shall be allowed in a jail only pursuant to an order of juvenile court and the juvenile court shall make such order only when it appears to the court to be in the best interests of the community or of the juvenile apprehended, in which event provision must be made to have the juvenile segregated from criminal offenders, and the juvenile court shall so order.

Whoever executes a recognizance and fails to keep and produce the juvenile according to its terms may be deemed guilty of criminal contempt of the juvenile court and may be punished therefor by said court.

1959, c. 342, § 1; c. 360, § 2; 1961, c. 293, § 2.



**§ 2609. Hearings in juvenile courts**

There shall be no terms of the juvenile court, but the court may assign matters for hearing at its discretion. Juvenile court hearings shall not be criminal in nature and shall be conducted separately from any criminal proceeding. The hearings shall be held in a room other than the district courtroom wherever feasible and shall be private, except that juvenile court hearings regarding motor vehicle violations by juveniles shall be public and may be heard in the district courtroom. The judge may administer all oaths required by law. The juvenile may be represented by any person who is interested or by counsel.

Any person, other than an enforcement, correctional or welfare official furnishing information in the discharge of his official functions to any other enforcement, correctional or welfare official, who divulges or publishes, without the consent of the juvenile court, the name of any juvenile brought or to be brought before a juvenile court, or who, being present at any juvenile court hearing which is private, divulges or publishes, without the consent of the juvenile court, any of the matters which occurred at said hearing may be found guilty by the juvenile court of criminal contempt and may be punished by the juvenile court accordingly.

1959, c. 342, § 1; 1963, c. 402, § 261.

**§ 2610. Procedure in juvenile courts**

Hearings before a juvenile court shall be informal, requiring no formal arraignment or plea. The court may adjourn hearings from time to time and may, at any stage of the proceedings, order any suitable person to make such investigation as the court deems appropriate. A juvenile or his representative may not waive a hearing. A petition may be dismissed and the juvenile discharged without a hearing when the court deems it appropriate to do so. Any juvenile so discharged shall have no right of action against any person because of any proceeding in the case.

The juvenile court shall have the power to hold in criminal contempt and to punish therefor any person who willfully interferes with proceedings under or who willfully subverts the policies and purposes of chapters 401 to 409.

1959, c. 342, § 1.

**§ 2611. Juvenile court's powers of disposition**

The juvenile court may:

**1. Release.** Release the juvenile by dismissing the action at any stage of the proceedings;

**2. Continue and probation.** Continue the case for not more than one year and place the juvenile on probation;

**3. Find probable cause.** Find probable cause to hold the juvenile for action by the grand jury within and for the same county. Such finding may be made if, and only if, the juvenile court concludes, and so states in its probable cause finding, that the juvenile is, at the time of the finding, a dangerous person and a menace to the safety of the community.

Upon a finding by the juvenile court of probable cause to hold for the grand jury, all subsequent proceedings in the juvenile court shall be the same as in a criminal proceeding before the District Court upon a finding of probable cause.

1963, c. 402, § 262.

**4. Adjudge a juvenile offense committed.** Adjudge that the juvenile has committed a juvenile offense in which case the juvenile court may:

**A.** Commit to the reformatory, if the juvenile is of the proper age;

**B.** Commit to the Boys Training Center or the Stevens Training Center, if the juvenile is of the proper age;

**C.** Commit to the custody of the Department of Health and Welfare;

**D.** Commit to the custody and control of the State Probation and Parole Board, except that in Cumberland County the court shall commit to the custody and control of the County Juvenile Probation Department;

**E.** Commit to the care of a family subject to supervision by the State Probation and Parole Board, or in Cumberland County by the County Juvenile Probation Department, or by the Department of Health and Welfare;

**F.** Suspend the imposition of sentence, or continue the case for sentence, or impose sentence and suspend its execution, in each case placing the juvenile on probation;

**G.** Dismiss the action and refer the juvenile to the Department of Mental Health and Corrections for admission to the Pineland Hospital and Training Center in the manner provided in Title 34, section 2152, on the condition that the court has received a report, as provided in section 2503, that the juvenile is mentally retarded or mentally ill;

**H.** Make such other disposition of the case, including requiring payment of a fine in an amount within the limits fixed by statute for the offense considered as a criminal offense, as may be for the best interests of both the juvenile and the community. A juvenile court shall have no power, under any circumstances, to sentence any juvenile to jail or prison and no juvenile may be committed to jail or prison for failure to pay any fine imposed by a juvenile court;

1961, c. 296; 1963, c. 351, § 10.

**5. Dispositions after return to a juvenile court.** In all cases in which a juvenile is returned to a juvenile court from the Boys Training Center or the Stevens Training Center, the juvenile court may make any of the dispositions otherwise provided in this section.

1959, c. 342, § 1; 1961, c. 296; 1963, c. 351, § 10; c. 402, § 262.