

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 36

H. P. 31

House of Representatives, December 19, 1980

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Maine Juvenile Code Concerning Emancipation.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 15 MRSA § 3101, sub-§ 2, ¶ E is enacted to read:

E. Juvenile Courts shall have jurisdiction concurrent with the District Courts over petitions for emancipation brought under section 3506.

Sec. 2. 15 MRSA § 3506, sub-§§ 1 and 2 as amended by PL 1979, c. 733, §§ 3 and 4, are repealed and the following enacted in their place:

1. Petition for emancipation. If a juvenile is 16 years of age or older and he refuses to live in the home provided by his parents, guardian or custodian, he may request the District Court in the district in which he legally resides to appoint counsel for him to petition for emancipation.

On the filing of a petition, the court shall schedule a hearing date and shall notify the parents, guardian and custodian of the date of hearing, the legal consequences of an order of emancipation and their rights to be represented by legal counsel and to present evidence at the hearing.

2. Order. The court shall order emancipation of the juvenile if it determines that:

A. The juvenile has made reasonable provision for his room, board, health care and education, vocational training or employment; and

B. The juvenile is sufficiently mature to assume responsibility for his own care and it is in his best interest to do so.

Sec. 3. 15 MRSA § 3506, sub-§ 4 is enacted to read:

4. Effect of emancipation order. An order of emancipation shall confer upon the emancipated juvenile the power and capacity of an adult, including the capacity to contract, except for specific constitutional and statutory age requirements.

STATEMENT OF FACT

The purpose of this bill is to clarify the standards for ordering emancipation, to allow for emancipation with the concurrence of parents or custodians and to set out the legal effects of an emancipation order.