

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 1573

---

H.P. 1135

House of Representatives, April 16, 2019

**An Act To Clarify Provisions of the Maine Juvenile Code Regarding  
Inspection, Disclosure and Dissemination of Juvenile Case Records  
and To Change Gender-specific Terms**

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CARDONE of Bangor.  
Cosponsored by Representative: TALBOT ROSS of Portland.

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

2 **Sec. 1. 15 MRSA §3003, sub-§3**, as amended by PL 1979, c. 681, §38, is further  
3 amended to read:

4 **3. Bind-over hearing.** "~~Bind over~~ Bind-over hearing" means a hearing at which the  
5 Juvenile Court determines whether ~~or not~~ to permit the State to proceed against a juvenile  
6 as if ~~he~~ the juvenile were an adult.

7 **Sec. 2. 15 MRSA §3003, sub-§§4-C, 4-D and 5-A** are enacted to read:

8 **4-C. Court-generated information.** "Court-generated information" means records,  
9 information and documents created by the Juvenile Court to document activity in a case,  
10 including docket entries and other similar records.

11 **4-D. Disclosure.** "Disclosure" means the transmission of information contained in  
12 juvenile case records by any means, including orally, in writing or electronically.

13 **5-A. Dissemination.** "Dissemination" means release of, transmission of and access  
14 to information contained in juvenile case records expressly authorized by statute,  
15 executive order, court rule, court decision or court order.

16 **Sec. 3. 15 MRSA §3003, sub-§6**, as enacted by PL 1977, c. 520, §1, is amended  
17 to read:

18 **6. Emancipation.** "Emancipation" means the release of a juvenile from the legal  
19 control of ~~his~~ the juvenile's parents.

20 **Sec. 4. 15 MRSA §3003, sub-§8**, as enacted by PL 1977, c. 520, §1, is amended  
21 to read:

22 **8. Guardian.** "Guardian" means a person lawfully invested with the power, and  
23 charged with the duty, of taking care of ~~the~~ a person and managing the property and  
24 rights of ~~another~~ the person, who, because of age, is considered incapable of  
25 administering ~~his~~ the person's own affairs.

26 **Sec. 5. 15 MRSA §3003, sub-§10-A** is enacted to read:

27 **10-A. Inspection.** "Inspection" means access to and review of juvenile case records  
28 in a manner prescribed by the Supreme Judicial Court.

29 **Sec. 6. 15 MRSA §3003, sub-§14-C** is enacted to read:

30 **14-C. Juvenile case records.** "Juvenile case records" means all records, regardless  
31 of form or means of transmission, that comprise a juvenile court file of an individual  
32 case, including court-generated information, information and documents filed by filers,  
33 transcripts of depositions, hearings, proceedings and interviews, documentary exhibits in  
34 the custody of the clerk of the court, electronic records, videotapes and records of other  
35 proceedings filed with the clerk of the court. "Juvenile case records" does not include  
36 administrative or operational records of the judicial branch.

1           **Sec. 7. 15 MRSA §3003, sub-§19-B** is enacted to read:

2           **19-B. Officer of the court.** "Officer of the court" means a judicial officer, including  
3 a judge, an attorney or an employee of the court including a clerk or a marshal.

4           **Sec. 8. 15 MRSA §3003, sub-§23**, as amended by PL 1979, c. 681, §2, is further  
5 amended to read:

6           **23. Probation.** "Probation" means a legal status created by court order in cases  
7 involving a juvenile adjudicated as having committed a juvenile crime, ~~which that~~ that  
8 permits the juvenile to remain in his the juvenile's own home or other placement  
9 designated by the Juvenile Court subject to revocation for violation of any condition  
10 imposed by the court.

11           **Sec. 9. 15 MRSA §3101, sub-§2, ¶D**, as amended by PL 1979, c. 681, §38, is  
12 further amended to read:

13           D. Juvenile Courts ~~shall~~ have exclusive original jurisdiction over proceedings in  
14 which an adult is alleged to have committed a juvenile crime before attaining ~~his 18th~~  
15 birthday 18 years of age. For purposes of ~~such proceedings such an a proceeding~~  
16 under this paragraph, the adult shall be is considered a juvenile.

17           **Sec. 10. 15 MRSA §3101, sub-§4, ¶A**, as amended by PL 1979, c. 681, §38, is  
18 further amended to read:

19           A. When a petition alleges that a juvenile has committed an act ~~which that~~ that would be  
20 murder or a Class A, B or C crime if committed by an adult, the court shall, upon  
21 request of the prosecuting attorney, continue the case for further investigation and for  
22 a bind-over hearing to determine whether the jurisdiction of the Juvenile Court over  
23 the juvenile should be waived. ~~In the event of such~~ If a continuance is granted under  
24 this paragraph, the court shall advise the juvenile and his the juvenile's parent or  
25 parents, guardian or legal custodian of the possible consequences of a bind-over  
26 hearing, the right to be represented by counsel, and other relevant constitutional and  
27 legal rights in connection therewith.

28           **Sec. 11. 15 MRSA §3101, sub-§4, ¶G**, as enacted by PL 1979, c. 512, §2, is  
29 amended to read:

30           G. In all prosecutions for subsequent crimes, any person bound over and convicted  
31 as an adult ~~shall~~ must be proceeded against as if ~~he~~ the juvenile were an adult.

32           **Sec. 12. 15 MRSA §3304, sub-§6**, as enacted by PL 1977, c. 520, §1, is amended  
33 to read:

34           **6. Summons of necessary parties.** The court on its own motion or on the motion of  
35 any party may require the appearance of any person ~~it deems~~ the court determines  
36 necessary to the action and authorize the issuance of a summons directed to such that  
37 person. Any party to the action may request the issuance of compulsory process by the  
38 court requiring the attendance of witnesses on ~~his own~~ the party's behalf or on the behalf  
39 of the juvenile.

1           **Sec. 13. 15 MRSA §3306, sub-§1**, as amended by PL 1977, c. 664, §25, is  
2 further amended to read:

3           **1. Notice and appointment.**

4           A. At his a juvenile's first appearance before the court, the juvenile and his the  
5 juvenile's parent or parents, guardian or legal custodian ~~shall~~ must be fully advised by  
6 the court of their constitutional and legal rights, including the juvenile's right to be  
7 represented by counsel at every stage of the proceedings. At every subsequent  
8 appearance before the court, the juvenile ~~shall~~ must be advised of his the juvenile's  
9 right to be represented by counsel.

10          B. If the juvenile requests an attorney and if ~~he~~ the juvenile and his the juvenile's  
11 parent or parents, guardian or legal custodian are found to be without sufficient  
12 financial means, counsel ~~shall~~ must be appointed by the court.

13          C. The court may appoint counsel without ~~such a request~~ under paragraph B if it  
14 ~~deems~~ the court determines representation by counsel necessary to protect the  
15 interests of the juvenile.

16           **Sec. 14. 15 MRSA §3307, sub-§1-A**, as amended by PL 1999, c. 624, Pt. B, §17,  
17 is further amended to read:

18           **1-A. Disclosure of identity.** A law enforcement officer, officer of the court or,  
19 juvenile community corrections officer or other representative of the Department of  
20 Corrections may not ~~release~~ disclose the identity of any juvenile until a petition is filed  
21 charging the juvenile with a juvenile crime described in subsection 2. This section does  
22 not preclude the release of the identity of a juvenile to a complainant or victim if a  
23 juvenile community corrections officer decides not to file a petition in accordance with  
24 section 3301, subsection 5, paragraph A or B or if the juvenile community corrections  
25 officer requests the prosecuting attorney to file a petition in accordance with section  
26 3301, subsection 5, paragraph C.

27           **Sec. 15. 15 MRSA §3308**, as amended by PL 2013, c. 267, Pt. B, §6, is further  
28 amended to read:

29           **§3308. Juvenile case records; inspection**

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

32           **1-A. Confidentiality.** Juvenile case records are confidential and may not be  
33 disclosed, disseminated, inspected or obtained except as expressly authorized by this Part.  
34 The court may not order the disclosure, dissemination or inspection of juvenile case  
35 records unless the juvenile, the juvenile's attorney or, if the juvenile does not have an  
36 attorney, the juvenile's attorney of record and the prosecuting attorney are given notice of  
37 the request and an opportunity to be heard regarding the request. In deciding whether to  
38 release any portion of juvenile case records under this subsection, the court shall consider  
39 the purposes of this Part and for which the request is being made and may restrict the

1 disclosure, dissemination or inspection of the juvenile case records in any manner the  
2 court determines necessary or appropriate.

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

11 A. The victim;

12 B. If the victim is a minor, a parent or parents, guardian or legal custodian of the  
13 victim;

14 C. A licensed professional investigator under Title 32, chapter 89; and

15 D. If the victim cannot act on the victim's own behalf due to death, age, physical or  
16 mental disease or disorder or intellectual disability or autism or other reason, an  
17 immediate family member, guardian or legal custodian of the victim.

18 **3. Access to juvenile case records by parties.** ~~Records of court proceedings and of~~  
19 ~~the other records described in subsection 5~~ Juvenile case records must be open to  
20 inspection by and, upon request, be disclosed to the juvenile, the juvenile's parent or  
21 parents, guardian or legal custodian, the juvenile's attorney, the prosecuting attorney and  
22 to any agency to which legal custody of the juvenile was transferred as a result of  
23 adjudication. These Juvenile case records may also be open to inspection by and, upon  
24 request, be disclosed to the Department of Health and Human Services prior to  
25 adjudication if commitment to the Department of Health and Human Services is a  
26 proposed disposition.

27 **3-A. Access to juvenile case records by victims.** The name of a juvenile subject to  
28 Juvenile Court proceedings ~~shall~~ must be made known by the Juvenile Court ~~to the victim~~  
29 ~~of the juvenile crime on his~~ upon the request of:

30 A. The victim;

31 B. If the victim is a minor, a parent or parents, guardian or legal custodian of the  
32 victim;

33 C. A licensed professional investigator under Title 32, chapter 89; or

34 D. If the victim cannot act on the victim's own behalf due to death, age, physical or  
35 mental disease or disorder or intellectual disability or autism or other reason, an  
36 immediate family member, guardian or legal custodian of the victim.

37 **4. Access to juvenile case records by other persons.** With the consent of the court,  
38 juvenile case records of court proceedings, excluding the names of the juvenile, ~~his~~ and  
39 the juvenile's parent or parents, guardian, or legal custodian, his the juvenile's attorney or  
40 any other parties, may be inspected by or disseminated to persons having a legitimate  
41 interest in the proceedings or by persons conducting pertinent research studies.

1           **5. Access to other records.** ~~Police~~ Other than the petition, record of the hearing and  
2 order of adjudication that are open to public inspection under section 3307, police  
3 records, juvenile community corrections officers' records and all other reports of social  
4 and clinical studies contained in juvenile case records may not be open to inspection or  
5 disseminated except with consent of the court or except to the extent that such records,  
6 reports and studies were made a part of the record of a hearing that was open to the  
7 general public under section 3307.

8           **6. Records to Secretary of State.** Whenever a juvenile has been adjudicated as  
9 having committed a juvenile crime involving the operation of a motor vehicle, the court  
10 shall ~~forthwith~~ transmit to the Secretary of State an abstract, duly certified, setting forth  
11 the name of the juvenile, the offense, the date of the offense, the date of the adjudicatory  
12 hearing and any other pertinent facts. These juvenile case records are admissible in  
13 evidence in hearings conducted by the Secretary of State or any of the Secretary of State's  
14 deputies and are open to public inspection.

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

18           **7. Dissemination of information.** The following provisions apply to the  
19 dissemination of information contained in ~~the~~ juvenile case records ~~of juvenile~~  
20 ~~proceedings~~.

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

22                   (1) "Administration of criminal justice" has the same meaning as found in Title  
23 16, section 703, subsection 1.

24                   (2) "Administration of juvenile criminal justice" means activities related to the  
25 apprehension or summoning, detention, conditional or unconditional release,  
26 informal adjustment, initial appearance, bind over, adjudication, disposition,  
27 custody and supervision or rehabilitation of accused juveniles or adjudicated  
28 juvenile criminal offenders. It includes the collection, storage and dissemination  
29 of ~~juvenile crime information~~ juvenile case records.

30                   (3) "Criminal justice agency" has the same meaning as found in Title 16, section  
31 703, subsection 4.

32                   (4) ~~"Dissemination" has the same meaning as found in Title 16, section 703,~~  
33 ~~subsection 6.~~

34           B. Nothing in this section precludes sharing of any information contained in the  
35 juvenile case records ~~of court proceedings or other records described in subsection 5~~  
36 by one criminal justice agency with another criminal justice agency for the  
37 administration of criminal justice or juvenile criminal justice or for criminal justice  
38 agency employment.

39           B-1. Nothing in this section precludes dissemination of any information contained in  
40 the juvenile case records ~~of court proceedings and in the other records described in~~  
41 ~~subsection 5~~; if:

42                   (1) The juvenile has been adjudicated as having committed a juvenile crime;

1 (2) The information is disseminated by and to persons who directly supervise or  
2 report on the health, behavior or progress of the juvenile, the superintendent of  
3 the juvenile's school and the superintendent's designees, criminal justice agencies  
4 or agencies that are or might become responsible for the health or welfare of the  
5 juvenile as a result of a court order or by agreement with the Department of  
6 Corrections or the Department of Health and Human Services; and

7 (3) The information is relevant to and disseminated for the purpose of creating or  
8 maintaining an individualized plan for the juvenile's rehabilitation, including  
9 reintegration into a school.

10 Any information received under this paragraph is confidential and may not be further  
11 disseminated, except as otherwise provided by law.

12 C. Nothing in this section precludes dissemination of any information in the juvenile  
13 case records of the Department of Corrections if the person concerning whom the  
14 juvenile case records are sought, the person's legal guardian, if any, and, if the person  
15 is a minor, the person's parent or legal parents, guardian or legal custodian has given  
16 informed written consent to the disclosure of the juvenile case records.

17 D. When a juvenile who is adjudicated of a juvenile crime that if committed by an  
18 adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is  
19 committed to a Department of Corrections juvenile correctional facility or placed on  
20 probation, the Department of Corrections shall provide, while the juvenile is  
21 committed or on probation, a copy of the juvenile's judgment and commitment to the  
22 Department of Health and Human Services, to all law enforcement agencies that have  
23 jurisdiction in those areas where the juvenile may reside, work or attend school and to  
24 the superintendent of any school system in which the juvenile attends school during  
25 the period of commitment or probation. The Department of Corrections shall provide  
26 a copy of the juvenile's judgment and commitment to all licensed and registered day-  
27 care facility operators located in the municipality where the juvenile resides, works or  
28 attends school during the period of commitment or probation. Upon request, the  
29 Department of Corrections shall also provide a copy of the juvenile's judgment and  
30 commitment to other entities that are involved in the care of children and are located  
31 in the municipality where the juvenile resides, works or attends school during the  
32 period of commitment or probation. The Department of Corrections may provide a  
33 copy of the juvenile's judgment and commitment to any other agency or person whom  
34 the Department of Corrections determines is appropriate to ensure public safety.  
35 Neither the failure of the Department of Corrections to perform the requirements of  
36 this paragraph nor compliance with this paragraph subjects the Department of  
37 Corrections or its employees to liability in a civil action.

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

44 (1) ~~The name of the juvenile;~~



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

6                   ~~All information provided under this paragraph is confidential and may not be further~~  
7                   ~~distributed, except as provided in Title 20-A, section 1055, subsection 11.~~  
8                   ~~Information provided pursuant to this paragraph to the superintendent of the~~  
9                   ~~juvenile's school or the superintendent's designees may not become part of the~~  
10                   ~~student's education record.~~

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

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

- 17                   (1) At least 3 years have passed since the person's discharge from the disposition  
18                   ordered for that juvenile crime;
- 19                   (2) Since the date of disposition, the person has not been adjudicated to have  
20                   committed a juvenile crime and has not been convicted of committing a crime;  
21                   and
- 22                   (3) There are no current adjudicatory proceedings pending for a juvenile or other  
23                   crime.

24                   B. The court may grant the petition if it finds that the requirements of paragraph A  
25                   are satisfied, unless it finds that the general public's right to information substantially  
26                   outweighs the juvenile's interest in privacy.

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

- 29                   (1) The courts and criminal justice agencies as provided by this section; and
- 30                   (2) The person whose juvenile case records are sealed or that person's designee.

31                   D. If the petition is granted, the person may respond to inquiries from other than the  
32                   courts and criminal justice agencies about that person's juvenile crimes, the juvenile  
33                   case records of which have been sealed, as if the juvenile crimes had never occurred,  
34                   without being subject to any sanctions.

35                   **8-A. Transmission of information about a committed juvenile.** Information  
36                   regarding a committed juvenile must be provided as follows:

37                   A. If a juvenile is committed to the Department of Corrections or the Department of  
38                   Health and Human Services, the court shall transmit with the commitment order a  
39                   copy of the petition, the order of adjudication, copies of any social studies, any

1 clinical or educational reports and information pertinent to the care and treatment of  
2 the juvenile; and

3 B. The Department of Corrections or the Department of Health and Human Services  
4 shall provide the court with any information concerning a juvenile committed to  
5 either department's care that the court at any time may request.

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

11 **Sec. 16. 15 MRSA §3308-A, sub-§1, ¶C,** as enacted by PL 2013, c. 267, Pt. D,  
12 §1, is repealed.

13 **Sec. 17. 15 MRSA §3308-A, sub-§2,** as enacted by PL 2013, c. 267, Pt. D, §1, is  
14 amended to read:

15 **2. Information part of proceeding.** To the extent the juvenile intelligence and  
16 investigative record information has been made part of the ~~court~~ juvenile case records of  
17 a juvenile proceeding, dissemination of that juvenile intelligence and investigative record  
18 information by a Maine criminal justice agency must be as provided by section 3307 and  
19 section 3308.

20 **Sec. 18. 15 MRSA §3308-A, sub-§3, ¶D,** as enacted by PL 2013, c. 267, Pt. D,  
21 §1, is amended to read:

22 D. A juvenile crime victim or that victim's agent or attorney if authorized by:

23 (1) Statute; or

24 (2) A court order pursuant to section 3307 or 3308.

25 As used in this paragraph, "agent" means a licensed professional investigator or an  
26 immediate family member if, due to death, age, physical or mental disease, disorder  
27 or intellectual disability or autism, the victim cannot realistically act on the victim's  
28 own behalf;

29 **Sec. 19. 15 MRSA §3308-B** is enacted to read:

30 **§3308-B. Mandatory notice to schools**

31 **1. Mandatory notice to school administrative unit.** When a juvenile is charged in  
32 a juvenile petition that alleges the use or threatened use of physical force against a person  
33 or when a juvenile is adjudicated as having committed one or more juvenile crimes that  
34 involve the use or threatened use of physical force against a person, the prosecuting  
35 attorney in the district where the charges were brought shall provide to the superintendent  
36 of the juvenile's school administrative unit or the superintendent's designee:

37 A. The name of the juvenile;

38 B. The offense alleged or adjudicated;

- 1           C. The date of the offense;
- 2           D. The date of the petition;
- 3           E. The date of the adjudication, if applicable; and
- 4           F. The location of the court where the case was brought, if applicable.

5           **2. Confidentiality.** Information provided under subsection 1 is confidential, may  
6 not be distributed except as provided in subsection 1 and in Title 20-A, section 1055,  
7 subsection 11 and may not be included in the juvenile's education record.

8           **Sec. 20. 15 MRSA §3311, sub-§1**, as amended by PL 1979, c. 681, §26, is  
9 further amended to read:

10           **1. Reports as evidence.** For the purpose of determining proper disposition of a  
11 juvenile who has been adjudicated as having committed a juvenile crime, written reports  
12 and other material relating to the juvenile's mental, physical and social history may be  
13 received by the court along with other evidence; but the court, if so requested by the  
14 juvenile, ~~his~~ the juvenile's parent or parents, guardian or legal custodian, or other party,  
15 shall require that the person who wrote the report or prepared the material appear as a  
16 witness and be subject to examination by the court and any party. In the absence of the  
17 request, the court may order the person who prepared the report or other material to  
18 testify if it finds that the interests of justice require it. The parent or parents, guardian or  
19 other legal custodian of the juvenile shall be informed that information for the report is  
20 being gathered.

21           **Sec. 21. 15 MRSA §3311, sub-§2**, as amended by PL 1979, c. 681, §27, is  
22 further amended to read:

23           **2. Notice of right to inspect.** The court shall inform the juvenile or ~~his~~ the juvenile's  
24 parent or parents, guardian or legal custodian of the right ~~of examination concerning to~~  
25 inspect any written report or other material specified in subsection 1.

26           **Sec. 22. 15 MRSA §3313**, as amended by PL 1995, c. 690, §5, is further amended  
27 to read:

28           **§3313. Criteria for withholding an institutional disposition**

29           **1. Standard.** The court shall enter an order of disposition for a juvenile who has  
30 been adjudicated as having committed a juvenile crime without imposing placement in a  
31 secure institution as disposition unless, having regard to the nature and circumstances of  
32 the crime and the history, character and condition of the juvenile, it finds that ~~his~~ the  
33 confinement of the juvenile is necessary for protection of the public because:

- 34           A. There is undue risk that, during the period of a suspended sentence or probation,  
35 the juvenile will commit another crime;
- 36           B. The juvenile is in need of correctional treatment that can be provided most  
37 effectively by ~~his~~ the juvenile's commitment to an institution; or
- 38           C. A lesser sentence will depreciate the seriousness of the juvenile's conduct.

1           **2. Additional consideration.** The following grounds, while not controlling the  
2 discretion of the court, ~~shall~~ must be accorded weight against ordering placement in a  
3 secure institution:

4           A. The juvenile's conduct neither caused nor threatened serious harm;

5           B. The juvenile did not contemplate that ~~his~~ the juvenile's conduct would cause or  
6 threaten serious harm;

7           C. The juvenile acted under a strong provocation;

8           D. There were substantial grounds tending to excuse or justify the juvenile's conduct,  
9 though failing to establish a defense;

10          E. The victim of the juvenile's conduct induced or facilitated ~~its~~ the commission of  
11 the conduct;

12          F. The juvenile has made or has agreed to make restitution to the victim of ~~his~~ the  
13 juvenile's conduct for the damage or injury that the victim sustained;

14          G. The juvenile has not previously been adjudicated to have committed a juvenile  
15 crime or has led a law-abiding life for a substantial period of time prior to the conduct  
16 ~~which~~ that formed the basis for the present adjudication;

17          H. The juvenile's conduct was the result of circumstances unlikely to recur;

18          I. The character and attitudes of the juvenile indicate that ~~he~~ the juvenile is unlikely  
19 to commit another juvenile crime;

20          J. The juvenile is particularly likely to respond affirmatively to probation; and

21          K. The confinement of the juvenile would entail excessive hardship to ~~himself~~ the  
22 juvenile or ~~his~~ the juvenile's dependents.

23           **3. Statement of reasons accompanying disposition for juvenile adjudicated of**  
24 **murder or a Class A, Class B or Class C crime.** In a disposition for a juvenile crime  
25 that if committed by an adult would be murder or a Class A, Class B or Class C crime,  
26 the court shall state on the record and in open court the court's reasons for ordering or not  
27 ordering placement of the juvenile in a secure institution.

28           **Sec. 23. 15 MRSA §3314, sub-§1, ¶A,** as amended by PL 1987, c. 400, §2, is  
29 further amended to read:

30           A. The court may allow the juvenile to remain in the legal custody of ~~his~~ the  
31 juvenile's parent or parents or a, guardian or legal custodian under such conditions as  
32 the court may impose. Conditions may include participation by the juvenile, ~~his~~ the  
33 juvenile's parent or parents or legal, guardian or legal custodian in treatment services  
34 aimed at the rehabilitation of the juvenile and improvement of the home environment.

35           **Sec. 24. 15 MRSA §3316, sub-§1,** as repealed and replaced by PL 1999, c. 127,  
36 Pt. B, §6 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

37           **Sec. 25. 15 MRSA §3501, sub-§1,** as enacted by PL 1977, c. 520, §1, is amended  
38 to read:

1           **1. Interim care.** A juvenile may be taken into interim care by a law enforcement  
2 officer without order by the court when the officer has reasonable grounds to believe that:

3           A. The juvenile is abandoned, lost or seriously endangered in ~~his~~ the juvenile's  
4 surroundings and that immediate removal is necessary for ~~his~~ the juvenile's  
5 protection; or

6           B. The juvenile has left the care of ~~his~~ the juvenile's parent or parents, guardian or  
7 legal custodian without the consent of ~~such person~~ the parent or parents, guardian or  
8 legal custodian.

9           **Sec. 26. 15 MRSA §3501, sub-§8,** as repealed and replaced by PL 1981, c. 619,  
10 §9 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11           **8. Interim care, voluntary services.** The Department of Health and Human Services  
12 shall inform the juvenile and ~~his family~~ the juvenile's parent or parents, guardian or legal  
13 custodian of social services and encourage them to voluntarily accept social services.

14           **Sec. 27. 15 MRSA §3503,** as repealed and replaced by PL 1977, c. 664, §48, is  
15 amended to read:

16           **§3503. Juveniles, voluntary return home**

17           If a juvenile who has been taken into interim care under the provisions of section  
18 3501 and ~~his~~ the juvenile's parent or parents, guardian or legal custodian agree to the  
19 juvenile's return home, the parent or parents, guardian or legal custodian shall cause the  
20 juvenile to be transported home as soon as practicable. If the parent or parents, guardian  
21 or legal custodian fail to arrange for the transportation of the juvenile, ~~he shall~~ the  
22 juvenile must be transported at the expense of the parent or parents, guardian or legal  
23 custodian.

24           **Sec. 28. 15 MRSA §3506-A, sub-§1,** as enacted by PL 1981, c. 619, §12, is  
25 amended to read:

26           **1. Petition for emancipation.** If a juvenile is 16 years of age or older and refuses to  
27 live in the home provided by ~~his~~ the juvenile's parent or parents, guardian or legal  
28 custodian, ~~he~~ the juvenile may request the District Court in the division in which ~~his~~ the  
29 juvenile's parent or parents, guardian or legal custodian resides to appoint counsel for ~~him~~  
30 the juvenile to petition for emancipation.

31           **Sec. 29. 15 MRSA §3506-A, sub-§2, ¶C,** as enacted by PL 1981, c. 619, §12, is  
32 amended to read:

33           C. The name and residence of ~~his~~ the juvenile's parent or parents, guardian or legal  
34 custodian.

35           **Sec. 30. 15 MRSA §3506-A, sub-§4,** as enacted by PL 1981, c. 619, §12, is  
36 amended to read:

37           **4. Order of emancipation.** The court shall order emancipation of the juvenile if it  
38 determines that:

