

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co.  
Augusta, Maine  
1981

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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to the consumer that he should not sign the agreement before reading it, and that he is entitled to a copy of the agreement. The following notice, if clearly and conspicuously printed, complies with this section:

NOTICE TO CONSUMER: 1. Do not sign this agreement before you read it. 2. You are entitled to a copy of this agreement.

Sec. 8. 9-A MRSA §5-110, sub-§5, as enacted by PL 1981, c. 281, §4, is repealed.

Sec. 9. 9-A MRSA §5-111, sub-§5, as enacted by PL 1981, c. 281, §5, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 30, 1982.

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## CHAPTER 619

H.P. 2007 - L.D. 1978

### AN ACT Concerning Revisions in the Maine Juvenile Code.

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

Sec. 1. 15 MRSA §2712, sub-§1, ¶B, as enacted by PL 1979, c. 681, §1, is amended to read:

B. To administer court-ordered diagnostic evaluations examinations pursuant to section 3318 and diagnostic evaluations pursuant to section 3309-A; and

Sec. 2. 15 MRSA §3003, sub-§4-A is enacted to read:

4-A. Diagnostic evaluation. "Diagnostic evaluation" means an examination of a juvenile to determine his mental or emotional condition which may include, but is not limited to, educational or psychosocial evaluations, psychometric testing and psychological, psychiatric or medical examinations.

Sec. 3. 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-A.

Sec. 4. 15 MRSA §3309-A is enacted to read:

§3309-A. Limitation on diagnostic evaluations

The court shall not order a juvenile to undergo a diagnostic evaluation, as defined in section 3303, subsection 4-A, except as follows:

1. Information necessary to findings for bindover. When it appears that the information is necessary in order for the court to make the findings required by section 3101, subsection 4; and

2. Information needed to make disposition. Following an order of adjudication pursuant to section 3310, subsection 5, paragraph A, for purposes of making a disposition.

Nothing in this section shall be construed to limit court-ordered examinations pursuant to section 3318.

Sec.5. 15 MRSA §3501, sub-§4, first sentence, as enacted by PL 1977, c. 520, §1, is amended to read:

When a juvenile is taken into interim care, the law enforcement officer or the intake worker Department of Human Services shall, as soon as possible, notify the juvenile's parent, guardian, or legal custodian of the juvenile's whereabouts and of the name and telephone number of the intake worker who has been contacted.

Sec. 6. 15 MRSA §3501, sub-§5, ¶A, as enacted by PL 1977, c. 520, §1, is amended to read:

A. When a law enforcement officer takes a juvenile into interim care, the officer shall contact an intake worker who the Department of Human Services which shall designate a place where the juvenile will be held.

Sec. 7. 15 MRSA §3501, sub-§5, ¶B, as enacted by PL 1977, c. 520, §1, is amended to read:

B. The law enforcement officer shall take the juvenile to the intake worker Department of Human Services or to the placement location specified by the intake worker department without unnecessary delay.

Sec. 8. 15 MRSA §3501, sub-§5, ¶C, as enacted by PL 1977, c. 520, §1, is repealed.

Sec. 9. 15 MRSA §3501, sub-§8, as enacted by PL 1977, c. 520, §1, is repealed and the following enacted in its place:

8. Interim care, voluntary services. The Department of Human Services shall inform the juvenile and his family, guardian or legal custodian of social services and encourage them to voluntarily accept social services.

Sec. 10. 15 MRSA §3502, as amended by PL 1979, c. 733, §1, is repealed and the following enacted in its place:

§3502. The Department of Corrections and the Department of Human Services 24-hour referral services

1. Emergency placement decisions. Placement referral services shall be provided by the Department of Corrections and Department of Human Services as follows.

A. The Department of Corrections shall provide for a placement referral service, staffed by intake workers for 24 hours a day. This referral service shall make emergency detention or conditional release decisions pursuant to chapter 505 for all juveniles referred to the department by law enforcement officers.

B. The Department of Human Services shall provide for a placement referral service, staffed by personnel 24 hours a day. This referral service shall make emergency placement decisions pursuant to this chapter for all juveniles referred to the department by law enforcement officers.

2. Placement procedures. Emergency placements shall be arranged by intake workers or the Department of Human Services' personnel according to procedures and standards jointly adopted by the Department of Corrections and the Department of Human Services. Placement may include voluntary care or short-term emergency services under Title 22, sections 4021 to 4023.

Sec. 11. 15 MRSA §3506, as amended by PL 1979, c.733, §§3 and 4, is repealed.

Sec. 12. 15 MRSA §3506-A is enacted to read:

§3506-A. Emancipation

1. Petition for emancipation. If a juvenile is 16

years of age or older and refuses to live in the home provided by his parents, guardian or custodian, he may request the District Court in the division in which his parents, guardian or custodian resides to appoint counsel for him to petition for emancipation.

2. Contents of petition. The petition shall state plainly:

A. The facts which bring the juvenile within the court's jurisdiction and which form the basis for the petition;

B. The name, date of birth, sex and residence of the juvenile; and

C. The name and residence of his parent or parents, guardian or custodian.

3. Hearing. On the filing of a petition, the court shall schedule a hearing and shall notify the parent or parents, guardian or custodian of the date of the hearing, the legal consequences of an order of emancipation, the right to be represented by legal counsel and the right to present evidence at the hearing. Notice shall be given in the manner provided in the Maine Rules of Civil Procedure, Rule 4, for service of process.

4. Order of emancipation. 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.

5. Denial of petition. If the court determines that the criteria established in subsection 4 are not met, the court shall deny the petition and may recommend that the Department of Human Services provide continuing services and counseling to the family.

6. Appeal. Any person named in the petition who is aggrieved by the order of the court may appeal to the Superior Court.