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Chapter 152.

Uniform Criminal Extradition Act.

Sec. 23. Application for issuance of requisition.

II. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the state probation and parole board, or the warden of the institution, or sheriff of the county from which escape was made shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement, or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

III. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate stating the offense with which the accused is charged, or of the judgment of conviction, or of the sentence. The prosecuting officer, state probation and parole board warden or sheriff may attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by indorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction, or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition. (R. S. c. 139, § 23. 1959, c. 307, § 5. 1963, c. 414, § 144.)

Effect of amendments. — The 1959 amendment substituted the words "state probation and parole board" for the words "parole board" in subsection II of this section.

The 1963 amendment substituted "state probation and parole board" for "parole board" in the second sentence of subsection III and deleted "also" following "may" in such sentence.

As the rest of the section was not affected by the amendments, it is not set out.

Chapter 152-A.

Juvenile Offenders.

Purposes and Definitions.

Sec. 1. Purpose.—The purpose of this chapter is to provide that in proceedings pertaining to juveniles, as defined in section 2, and as covered by this chapter, the care, custody and discipline of said juveniles shall approximate as nearly as possible that which they should receive from their parents or custodians; and that as far as practicable, they shall be treated, not as criminals, but as young persons in need of aid, encouragement and guidance. It is further the purpose of this chapter that no juvenile shall be placed or detained in any prison or jail

or detained or transported in association with any criminal, vicious or dissolute person, unless and until such juvenile becomes subject, as provided in this chapter, to proceedings which are criminal in nature or unless otherwise specifically provided in this chapter. (1959, c. 342, § 1.)

Sec. 2. Definitions.—The following words as used in this chapter shall, except as otherwise specially provided, have the following meanings:

"Adjudication of a commission of a juvenile offense" is the adjudication or judgment which is made by an appropriate juvenile court, or by the superior court in appeal cases from juvenile courts, upon its finding that a juvenile has committed any of the offenses or acts specified in this chapter. Such an adjudication shall not operate in any manner as, or to effect, a disqualification for public office nor shall it be deemed to constitute a conviction of crime. For the purpose of determining the guilt of any person over the age of 17 years charged as an accessory to any offense committed by a juvenile, such offense shall be deemed to be the same as if committed by a person who is not a juvenile.

"Habitual truancy" means habitual and willful absence from school without sufficient excuse; or failing to attend school for 5 day sessions or 10 half-day sessions within any period of 6 months without sufficient excuse; or failing to attend school, without regular and lawful occupation, and growing up in ignorance.

"Juvenile court" shall be the designation for the district court when it is exercising jurisdiction over juveniles in regard to any of the matters comprehended in this chapter. Reference in any section of any other chapter of any of the laws of Maine to "district courts" shall not be interpreted as referring to juvenile courts, except that chapter 108-A, insofar as relevant, shall apply to district courts as juvenile courts.

"Juvenile offender" means any child under 17 years of age who has been found by an appropriate juvenile court to have committed any of the acts or offenses specified in this chapter.

"Minority" means being under the age of 21. (1959, c. 342, § 1. 1961, c. 293, § 1. 1963, c. 402, § 258.)

Effect of amendments. — The 1961 amendment substituted "child under 17 years of age" for "juvenile" in the definition of "juvenile offender".

The 1963 amendment substituted "district" for "municipal" throughout the fourth paragraph and substituted "108-A" for "108" in that paragraph.

Application of 1963 amending act.—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Jurisdiction.

Sec. 3. District court as juvenile court. — The district court shall have exclusive, original jurisdiction over all juveniles in relation to acts and offenses within the scope of this chapter committed within the respective territorial jurisdictions of said court by such juveniles. When so exercising said jurisdiction, the district court shall be known as juvenile court. (1959, c. 342, § 1. 1963, c. 402, § 259.)

Effect of amendment.—The 1963 amendment substituted "the district court" for "municipal courts" near the beginning and near the end of the section.

Application of amending act.—See note to § 2.

Sec. 4. Offenses and acts.—The exclusive, original jurisdiction of juvenile courts shall include all offenses committed by juveniles and the following conduct of juveniles: habitual truancy; behaving in an incorrigible or indecent and lascivious manner; knowingly and willfully associating with vicious, criminal or grossly immoral people; repeatedly deserting one's home without just cause;

living in circumstances of manifest danger of falling into habits of vice or immorality.

Juvenile courts shall have no jurisdiction over offenses in which any juvenile is charged with the violation of any provision of chapter 22 or over any other traffic law or ordinance, if such offense is a misdemeanor, except that juvenile courts shall have exclusive, original jurisdiction over offenses in which any juvenile is charged with a violation of chapter 22, sections 149, 150, 151-B and 151-C. (1959, c. 342, § 1; c. 377. 1963, c. 115.)

Effect of amendments.—P. L. 1959, c. 377, effective April 29, 1960, added the second paragraph. The 1963 amendment added the references to §§ 149 and 151-C in the references at the end of the section.

Sec. 5. Uniform compact petition.—Juvenile courts shall have jurisdiction over all petitions, brought under the Uniform State Compact on Juveniles, chapter 27-A, section 22, pertaining to juveniles as defined in section 2, who have been adjudged delinquent in other states, but who are found within the territorial jurisdiction of Maine, provided that the offense or act involved is of such nature that had it been committed originally in Maine it would have fallen within the jurisdiction of Maine juvenile courts. (1959, c. 342, § 1.)

Sec. 6. Mentally retarded and mentally ill juveniles.—If, in any proceeding before a juvenile court, the court has cause to believe that the juvenile is mentally retarded, or mentally ill, the court may require such juvenile to be examined by any qualified psychiatrist and the result of said examination shall be reported to the court for its guidance.

The expenses of any examination authorized by this section shall be paid by the county in which the juvenile court ordering such examination is sitting. (1959, c. 342, § 1.)

Sec. 7. Initiation of proceeding against juveniles.—

I. Any person may make application, orally or in writing, to any juvenile court having territorial jurisdiction over the acts or offenses covered by this chapter. 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.

II. Any person having reasonable cause to believe, or personal knowledge, that any juvenile has committed offenses or acts covered by this chapter may file a petition with any juvenile court having territorial jurisdiction over said acts or offenses. (1959, c. 342, § 1.)

Sec. 8. 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 this chapter; 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 this chapter. (1959, c. 342, § 1.)

Sec. 9. 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 also 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 this chapter.

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.)

Sec. 10. 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.)

Sec. 11. 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.)

Sec. 12. 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 this chapter shall be competent evidence in any proceeding other than proceedings under this chapter, 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.)

Effect of amendment.—The 1963 amendment substituted "district" for "municipal" in the second sentence.

Application of amending act.—See note to § 2.

Sec. 13. 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 repre-

sentatives, 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 7. (1959, c. 342, § 1.)

Sec. 14. Custody of juveniles 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 institutional service 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, however, 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. 1961, c. 293, § 2.)

Effect of amendment.—The 1961 amendment added "but excepting the Boys Training Center" at the end of the second sentence of the second paragraph.

Sec. 15. 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 or criminal contempt and may be punished by the juvenile court accordingly. (1959, c. 342, § 1. 1963, c. 402, § 261.)

Effect of amendment.—The 1963 amendment substituted "district" for "municipal" at two places in the third sentence of the first paragraph and deleted "associate judge or recorder" following "judge" in the fourth sentence of that paragraph.

Application of amending act.—See note to § 2.

Sec. 16. 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 this chapter. (1959, c. 342, § 1.)

Adjudication and Disposition.

Sec. 17. Juvenile court's powers of disposition. — The juvenile court may:

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

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

III. Find probable cause to hold the juvenile for action by the grand jury within and for the same county. Such findings 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 district court shall be the same as in a criminal proceeding before the municipal court upon a finding of probable cause.

IV. 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 chapter 27, section 144-B, on the condition that the court has received a report, as provided in section 6, 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;

V. 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.)

Effect of amendments. — The 1961 amendment rewrote paragraph G of subsection IV, formerly authorizing the commitment of a juvenile reported to be mentally retarded or mentally ill to an appropriate treatment center.

The first 1963 amendment substituted "section 144-B" for "sections 143-B, 145, 146-A and 147" in paragraph G of subsection IV. The second 1963 amendment substituted "district" for "municipal" in the last paragraph of subsection III.

Application of second 1963 amending act. —See note to § 2.

Sec. 18. The superior court; juveniles before it upon indictment by a grand jury.—In cases involving juveniles which come before the superior court as a result of the juvenile's being bound over by the juvenile court for grand jury action, the superior court shall have jurisdiction not only of the offense for which the juvenile has been bound over but also of any offense of lesser degree contained in the original offense, and shall function in the same manner and with the same powers and duties as in criminal proceedings in the superior court. (1959, c. 342, § 1.)

Sec. 19. Right to review or appeal in juvenile cases.—

I. Review of a finding by a juvenile court of probable cause to hold the juvenile for action by the grand jury may be had upon the presentation by the juvenile or any person acting in his behalf or in his interest, of a written petition addressed to and filed with any justice of the superior court or of the supreme judicial court. Said petition shall set forth a succinct summary of the pertinent facts in the proceedings before the juvenile court and shall ask that said justice review the probable cause finding by the juvenile court. The petition shall be filed prior to the first day of the term of the superior court to which the juvenile has been bound over for grand jury action and, in no event, later than 10 days after the finding of probable cause by the juvenile court. On the same day that the petition is filed with the justice of the superior court or the supreme judicial court, the person filing the same shall cause to be filed with the county attorney and with the juvenile court whose finding is sought to be reviewed, a copy of the petition seeking review. The justice of the superior or supreme judicial court with whom such petition has been filed, or any other justice of said courts who has agreed to hear such petition, shall give it the highest priority and shall assign it for hearing and decide it at the earliest time reasonably possible under all the circumstances. The justice of the superior or of the supreme judicial court shall in no manner be bound by the finding of the juvenile court but shall hear the matter de novo. After hearing, said justice shall adjudicate that the juvenile court finding of probable cause to hold the juvenile for the grand jury is either "affirmed" or "vacated". The decision of the justice of the superior or supreme judicial court shall not be subject to further review. The finding of probable cause to hold for the grand jury, made by the juvenile court, shall remain in full force and effect unless and until there is an adjudication by a justice of the superior or supreme judicial court that said finding is vacated. The case shall not be submitted by the county attorney to the grand jury for action when a petition for review of the probable cause finding is pending, until said justice of the superior or supreme judicial court has affirmed the juvenile court's finding of probable cause. Upon an adjudication by a justice of the superior or supreme judicial court vacating a juvenile court finding of probable cause to hold the juvenile for the grand jury, the said justice of the superior or supreme judicial court shall remand the case to the juvenile court which made the original finding of probable cause and said justice shall make such order as to him seems appropriate regarding the custody or detention of the juvenile until further action is taken by the juvenile court to which the case has been remanded. The juvenile court, after such remand by a justice

of the superior or supreme judicial court, shall thereafter dispose of the case in any manner within its power except that it may not make a finding of probable cause to hold the juvenile for action by the grand jury.

II. Any juvenile adjudged by the juvenile court to have committed a juvenile offense may, by his parent or parents, his next friend, guardian or attorney, appeal from such judgment or any orders based thereon, to the superior court within and for the same county by giving written notice of appeal to the juvenile court within 5 days next after the entry of such judgment or order. Said appeal shall be taken to the same term of the superior court to which an appeal from the district court adjudication in a criminal proceeding would be taken. (1959, c. 342, § 1. 1963, c. 402, § 263.)

Effect of amendment.—The 1963 amendment substituted "the district" for "a municipal" in the last sentence of subsection II.

Application of amending act.—See note to § 2.

Sec. 20. Record.—When notice is given of an appeal from the juvenile court's adjudication that a juvenile has committed a juvenile offense, the juvenile court shall deliver the record of proceedings in the juvenile court to the superior court in the same manner and form as in appeals from the district court in criminal cases. (1959, c. 342, § 1. 1963, c. 402, § 264.)

Effect of amendment.—The 1963 amendment substituted "the district court" for "municipal courts" near the end of the section.

Application of amending act.—See note to § 2.

Sec. 21. Custody or detention of juvenile pending appeal.—

I. Upon the filing of an appeal by a juvenile in the juvenile court, the detention custody of the juvenile, as previously ordered by the juvenile court during the pendency of the juvenile court proceeding, shall be reviewed by the juvenile court. Said custody or detention may be continued in similar form pending the appeal or may be modified to any form permissible in accordance with this chapter.

II. The superior court shall have the same powers as the juvenile court to continue or modify the custody or detention of the juvenile pending disposition of the appeal by the superior court. (1959, c. 342, § 1.)

Sec. 22. Hearings on appeal in superior court.—The hearings in the superior court on an appeal from a juvenile court adjudication shall be informal, and all findings whether of fact or otherwise shall be made by the superior court sitting without a jury. Said hearing on appeal, in the superior court, shall not be criminal in nature and shall be conducted separately from any criminal proceeding. It shall be held in a room other than the superior courtroom wherever feasible and shall be private, except that any juvenile appeal hearing in the superior court regarding motor vehicle violations shall be public and may be heard in the superior courtroom.

Any person, other than an enforcement, correctional or welfare official furnishing information in a discharge of his official functions to any other enforcement, correctional or welfare official, who divulges or publishes without the consent of the superior court, the name of any juvenile brought, or to be brought, before the superior court in a juvenile appeal case, or who, being present at any juvenile appeal hearing before the superior court which is private, divulges or publishes, without the consent of the superior court, any of the matters which occurred at said hearing may be found guilty by the superior court of criminal contempt and may be punished by said court accordingly. (1959, c. 342, § 1.)

Sec. 23. Disposition of juvenile appeals. — The superior court, on an appeal from the judgment of the juvenile court, may affirm the adjudication of commission of a juvenile offense and any order based thereon; or the superior court may reverse said judgment and order the proceedings dismissed; or, if

the superior court should find that the juvenile court abused its discretion in disposing of the case, the superior court may affirm the adjudication of commission of a juvenile offense but modify any order thereon made by the juvenile court, in which case the superior court shall have the same powers of disposition as are conferred on the juvenile court under section 17, subsection IV. (1959, c. 342, § 1.)

Sec. 24. Superior court juvenile appeal record. — The record in the superior court of all matters transpiring in the superior court in cases before the superior court upon an appeal from the judgment of a juvenile court shall be kept separate from the other records of the superior court. Said record in juvenile appeal cases shall not be open to the inspection of the general public. With the consent of the superior court, such record may be examined by a parent, guardian or other interested party. It 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 such record of the superior court concerning juvenile appeal cases may be admissible as evidence in any proceeding, other than proceedings under this chapter, except that the superior court juvenile appeal records pertaining to motor vehicle violations by juveniles shall be transmitted by the superior court, together with a summary of the pertinent facts of the 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.)

Sec. 25. Appeals to law court.—Appeals, for the purpose only of raising questions of law, from decisions of the superior court rendered in cases before the superior court on appeal from decisions of juvenile courts, may be taken to the supreme judicial court sitting as the law court in manner and form as appeals in civil actions.

Whenever an appeal is taken in any juvenile case from the superior court to the supreme judicial court sitting as the law court, the superior court shall have the same powers to provide for the custody or detention of the juvenile pending disposition of the appeal by the law court as are conferred upon the superior court in regard to juvenile appeal cases pending before the superior court. (1959, c. 342, § 1. 1961, c. 317, § 489.)

Effect of amendment.—The 1961 amendment substituted "civil actions" for "cases in equity" at the end of the first paragraph of this section.

Juvenile Training Centers.

Sec. 26. Definitions. — The following words as used in sections 26 to 33 shall, except as otherwise specifically provided, have the following meanings:

"Center" means either the Boys Training Center or the Stevens Training Center.

"Child" or "children" mean a juvenile committed to either the Boys Training Center or the Stevens Training Center. (1959, c. 342, § 1.)

Sec. 27. Training centers; establishment, location, purpose, heads; assistants.—The state shall establish and maintain training centers to rehabilitate children committed thereto as juvenile offenders by the courts of the state. Toward this end, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, vocational training and religion related to human relations and personality development shall be employed. The training center for boys shall be known as the Boys Training Center, located at South Portland; the training center for girls shall be known as the Stevens Training Center, located at Hallowell. The director of each center shall be called the superintendent and shall be in constant residence at the center.

The superintendent of the boys training center shall have assistant superintendents to be appointed by him, subject to the personnel law, who, when the office of superintendent is vacant, or the superintendent is absent from the center or unable to perform the duties of his office, shall have the powers, perform the duties and be subject to all the obligations and liabilities of the superintendent. (1959, c. 342, § 1. 1963, c. 108, § 1.)

Effect of amendment.—The 1963 amendment added the second paragraph.

Sec. 28. Confinement; federal law.—The department of institutional service may contract with the attorney general of the United States for the confinement and support in said centers for juvenile offenders against the laws of the United States in accordance with the United States Code, title 18, sections 706 and 707. (1959, c. 342, § 1.)

Sec. 29. Commitment. — A boy between the ages of 11 and 17 may be committed to the Boys Training Center, and a girl between the ages of 9 and 17 may be committed to the Stevens Training Center, pursuant to this chapter. All commitments of such children shall be for the term of their minority, unless sooner discharged by the superintendent; but no child shall be committed who is deaf, mute, blind or proper subject for the Augusta State Hospital, the Bangor State Hospital or the Pineland Hospital and Training Center. (1959, c. 342, § 1. 1963, c. 108, § 2.)

Effect of amendment.—The 1963 amendment substituted "mute, blind" for "dumb" in the second sentence.

Sec. 30. Certification by committing judge.—When any child is ordered to be committed to a center, the court by which such commitment is made shall certify on the mittimus provided, the child's birthdate, birthplace, parentage and legal residence. (1959, c. 342, § 1.)

Sec. 31. Duties of the superintendent.—The superintendent shall have all the power which a guardian has to his ward, and all powers which parents have over their children, as to the person, property, earnings and the rehabilitation of every child committed to the center. Said child shall be under the direction of the superintendent, subject to rules and regulations of the department of institutional service.

At the discretion of the superintendent, any such child, during his or her commitment, may be kept at said center or, upon prior mutual agreement, may be entrusted without indenture, for a period not exceeding the term of his or her commitment, to the care of: any suitable person or persons; the probation and parole board; the department of health and welfare, or other public or private child care agencies. As often as shall be required, the person, or agency, to whom such child is entrusted, shall report to the superintendent the progress and behavior of said child, whether or not the child remains under such person, and if not, where he or she is.

On being satisfied, at any time, that the welfare of the child will be promoted by return to the center, the superintendent may cancel such trust and resume charge of such child with the same powers as before the trust was made.

At the discretion of the superintendent, any such female child deemed to be eligible shall be granted entrance into the Hallowell high school under the same conditions as pupils residing in towns which do not maintain a standard secondary school, as provided in chapter 41, section 107, except the tuition for such child shall be paid by said superintendent from the appropriation for the said center and shall be based on the average instructional cost per pupil for the year preceding that for which the tuition is paid to be determined as provided by chapter 41, section 108. (1959, c. 342, § 1. 1961, c. 293, § 3.)

Effect of amendment.—The 1961 amendment inserted "female" near the beginning of the last paragraph and deleted "South Portland High School or the" preceding "Hallowell".

Sec. 32. Incorrigible child; transfer to reformatory for men or reformatory for women.—Any child committed to the center whose presence therein may be seriously detrimental to the well-being of the center, or who willfully and persistently refuses to obey the rules and regulations of said center may be deemed incorrigible, and upon recommendation of the superintendent may be transferred to a reformatory with the approval of the commissioner of institutional service, but no child shall be transferred under the age of 15. To so transfer, the superintendent shall certify that the child is incorrigible upon the mittimus in the case with the recommendation that transfer to the appropriate reformatory be effected. Upon approval by the commissioner of institutional service, the transfer may be effected any time thereafter. It shall be the duty of the officers of the reformatory to receive any person so transferred and the remainder of the original commitment shall be executed at the reformatory, except that in the event a child so transferred has, in the opinion of the superintendent of the reformatory and of the superintendent of the center, benefited from the program at the reformatory, to such an extent that return to the center would be in the best interest of the child and of the community, such child may be returned to the center. The reason for such return shall be certified by the recommending superintendents on the mittimus and certification of the return shall be made by the recommending superintendents to the commissioner of mental health and corrections, giving their reasons therefor. (1959, c. 342, § 1. 1963, c. 108, § 3.)

Effect of amendment.—The 1963 amendment added the exception at the end of the fourth sentence and also added the last sentence.

Sec. 33. Discharge.—The superintendent shall cause to be discharged all children committed to the center at the expiration of their minority and may, on consent of the department of institutional service, discharge any child as rehabilitated during such child's term of commitment. (1959, c. 342, § 1.)

Chapter 153.

Courts of Probate.

Courts of Record. Jurisdiction in Equity.

Sec. 2. Jurisdiction in equity.—The courts of probate shall have jurisdiction in equity, concurrent with the superior court, of all cases and matters relating to the administration of the estates of deceased persons, to wills and to trusts which are created by will or other written instrument. Such jurisdiction may be exercised upon complaint according to the usual course of proceedings in civil actions in which equitable relief is sought. (R. S. c. 140, § 2. 1961, c. 317, § 490.)

Effect of amendment.—The 1961 amendment deleted "the supreme judicial court and" formerly preceding "the superior court" in the first sentence of this section and substituted "complaint" for "bill or petition" near the middle of the second sentence and "civil actions in which equitable relief is sought" for "equity" at the end of that sentence.

Cited in Swan v. Swan, 154 Me. 276, 147 A. (2d) 140.

Judges of Probate.

Sec. 3. Judges; terms; salary. — Judges of probate are elected or appointed as provided in the constitution. Only attorneys at law admitted to the