

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
H.P. 1233 - L.D. 1849

An Act to Establish a Minimum Age at Which Conduct Constitutes a Juvenile Crime and to Confer Jurisdiction to the Juvenile Courts Over Any Criminal Offense Under Maine Law Committed by a Juvenile

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

Sec. 1. 12 MRSA §6004, as amended by PL 2021, c. 330, §1, is repealed.

Sec. 2. 12 MRSA §8004, as amended by PL 2021, c. 330, §2, is repealed.

Sec. 3. 12 MRSA §10608, as amended by PL 2021, c. 330, §3, is repealed.

Sec. 4. 12 MRSA §10701, sub-§3, as amended by PL 2011, c. 657, Pt. AA, §55, is further amended by amending the 4th blocked paragraph to read:

References in this Title to this subsection are deemed to ~~refer~~ include reference to the juvenile crime stated in Title 15, section 3103, subsection 1, paragraph ~~E~~ A for conduct that, if committed by an adult, would be defined as criminal under this section and to the disposition, including a suspension, for that juvenile crime as provided in Title 15, section 3314, ~~subsection 3~~, except as otherwise provided or when the context clearly requires otherwise.

Sec. 5. 15 MRSA §1004, as amended by PL 2019, c. 113, Pt. C, §31, is further amended to read:

§1004. Applicability and exclusions

This chapter applies to the setting of bail for a defendant in a criminal proceeding, including the setting of bail for an alleged contemnor in a plenary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-conviction review proceedings under sections 2121 to 2132, probation revocation proceedings under Title 17-A, sections 1809 to 1814, supervised release revocation proceedings under Title 17-A, section 1883 or administrative release revocation proceedings under Title 17-A, sections 1851 to 1857, except to the extent and under the conditions stated in those sections. This chapter applies to the setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under the

Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material witness only as specified in sections 1103 and 1104, respectively. This chapter does not apply to a person arrested for a juvenile crime as defined in section 3103 ~~or a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.~~

Sec. 6. 15 MRSA §3003, sub-§14, as amended by PL 2023, c. 136, §1, is repealed and the following enacted in its place:

14. Juvenile. "Juvenile" means:

A. A person who had attained 11 years of age but had not attained 18 years of age at the time the person allegedly committed any juvenile crime other than a crime described in paragraph B; or

B. A person who had not attained 18 years of age at the time the person allegedly committed the juvenile crime of murder as provided in Title 17-A, section 201; felony murder as provided in Title 17-A, section 202; or manslaughter as provided in Title 17-A, section 203 or such a person had allegedly made a criminal attempt of any of those juvenile crimes as provided in Title 17-A, section 152.

Sec. 7. 15 MRSA §3103, sub-§1, as amended by PL 2017, c. 1, §19 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Definition. The term "juvenile crime," as used in this Part, means the following offenses:

A. Conduct that, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, ~~except for those provisions of Titles 12 and 29-A not specifically included in paragraphs E and F;~~

B. Offenses involving illegal drugs or drug paraphernalia as follows:

(1) The possession of a useable amount of cannabis, as provided in Title 22, section 2383, subsection 1-A, unless the juvenile is authorized to possess cannabis for medical use pursuant to Title 22, chapter 558-C;

(2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4-B; and

(3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;

C. Offenses involving intoxicating liquor, as provided in Title 28-A, sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087;

~~E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1-A, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223;~~

~~F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes;~~

G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A; and

~~H. If a juvenile has been convicted of a crime for a violation of a provision of Title 12 or 29-A not specifically included in paragraph E or F, willful refusal to pay a resulting fine or willful violation of the terms of a resulting administrative release or willful failure to comply with the terms of any other resulting court order. A willful refusal to pay a fine imposed by court order or willful failure to comply with the terms of any other court order.~~

Sec. 8. 15 MRSA §3105-A, sub-§2, ¶C, as amended by PL 2009, c. 93, §3, is further amended to read:

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, ~~or C, E, F or H~~ must be commenced within one year after it is committed.

Sec. 9. 15 MRSA §3201, sub-§1, as amended by PL 2009, c. 93, §4, is further amended to read:

1. Warrantless arrests. Arrests without warrants of juveniles for juvenile crimes defined by section 3103, subsection 1, paragraphs A, ~~E, F,~~ G and H by law enforcement officers or private persons must be made pursuant to the provisions of Title 17-A, sections 15 and 16. For purposes of this section, a juvenile crime defined under section 3103, subsection 1, paragraph H is deemed a Class D or Class E crime. A law enforcement officer or private person may not arrest a juvenile for a juvenile crime defined by section 3103, subsection 1, paragraph B or C.

Sec. 10. 15 MRSA §3206, as amended by PL 2013, c. 424, Pt. B, §4, is repealed.

Sec. 11. 15 MRSA §3301, sub-§6, as amended by PL 2021, c. 326, §4, is further amended by amending the first blocked paragraph to read:

If the juvenile community corrections officer makes a determination pursuant to subsection 5, paragraph A or B and decides not to request the attorney for the State to file a petition for a violation of Title 22, section 2389, subsection 2 or Title 28-A, section 2052, the juvenile community corrections officer shall inform the Secretary of State of ~~the violation that determination~~. The Secretary of State shall suspend for a period of 30 days that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license. After the suspension is terminated, any record of the suspension is confidential and may be released only to a law enforcement officer or the courts for prosecution of violations of Title 29-A, section 2412-A.

Sec. 12. 15 MRSA §3301, sub-§6, as amended by PL 2021, c. 326, §4, is further amended by enacting after the first blocked paragraph a new 2nd blocked paragraph to read:

For a juvenile who has been issued a commercial driver's license or commercial learner's permit, if the juvenile community corrections officer makes a determination pursuant to subsection 5, paragraph A or B and decides to not request the attorney for the State to file a petition for a violation that would require a disqualification under 49 Code of Federal

Regulations, Section 383.51, the juvenile community corrections officer shall inform the Secretary of State of that determination. The Secretary of State shall suspend the juvenile's license or permit to operate a motor vehicle or commercial motor vehicle, right to operate a motor vehicle or commercial motor vehicle and right to apply for or obtain a license in accordance with Title 29-A and 49 Code of Federal Regulations, Section 383.51. Record of the violation is a public record pursuant to Title 29-A, section 251, subsection 2.

Sec. 13. 15 MRSA §3301, sub-§7, as amended by PL 2019, c. 525, §13, is repealed and the following enacted in its place:

7. Nonapplication of section. The provisions of this section do not apply to a juvenile charged with the following crimes:

A. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as described under Title 12, section 10701, subsection 1-A; and

B. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs with an excessive alcohol level, as described under Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes.

The provisions of section 3203-A apply in the case of a juvenile charged with a juvenile crime listed in paragraph A or B. A petition may be filed without recommendation by a juvenile community corrections officer with respect to a juvenile charged with any such offense.

Sec. 14. 15 MRSA §3308-C, sub-§8, as enacted by PL 2021, c. 365, §19 and affected by §37, is amended to read:

8. Records to Secretary of State. Whenever a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, or when the Juvenile Court has ordered a disposition pursuant to section 3314, subsection ~~3~~, 3-A, ~~or 3-B~~ or 3-C that includes suspension of the juvenile's right to operate a motor vehicle, the court shall transmit to the Secretary of State an abstract, duly certified, setting forth the name of the juvenile, the offense, the date of the offense, the date of the adjudicatory hearing and any other pertinent facts. These juvenile case records are admissible in evidence in hearings conducted by the Secretary of State or any of the Secretary of State's deputies and are open to public inspection.

~~Nothing in this~~ This Part may not be construed to limit the authority of the Secretary of State, pursuant to Title 29-A, to suspend a person's driver's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a driver's license.

Sec. 15. 15 MRSA §3310, sub-§4, as amended by PL 2009, c. 93, §10, is further amended to read:

4. Standard of proof. If the court finds that the elements of the juvenile crime as defined in section 3103, subsection 1, paragraph A, ~~E, F,~~ G or H are not supported by evidence beyond a reasonable doubt or that the elements of a juvenile crime as defined in section 3103, subsection 1, paragraph B or C are not supported by a preponderance of the evidence, the court shall order the petition dismissed and the juvenile discharged from any

detention or restriction previously ordered. The juvenile's parents, guardian or other legal custodian must also be discharged from any restriction or other temporary order.

Sec. 16. 15 MRSA §3310, sub-§5, ¶A, as amended by PL 2009, c. 93, §11, is further amended to read:

A. If the court finds that the allegations of the petition alleging a juvenile crime as defined in section 3103, subsection 1, paragraph A, ~~E, F,~~ G or H are supported by evidence beyond a reasonable doubt or that the allegations of a petition alleging a juvenile crime as defined in section 3103, subsection 1, paragraph B or C are supported by a preponderance of the evidence, the court shall adjudge that the juvenile committed a juvenile crime and shall, in all such adjudications, issue an order of adjudication.

Sec. 17. 15 MRSA §3314, sub-§1, ¶G, as amended by PL 2019, c. 113, Pt. C, §47, is further amended to read:

G. Except for a violation of the juvenile crimes defined in section 3103, subsection 1, paragraph H, the court may impose a fine, subject to Title 17-A, sections 1701 to 1711, except that there is no mandatory minimum fine amount. For the purpose of this section, ~~juvenile offenses~~ crimes defined in section 3103, subsection 1, paragraphs B and C and juvenile crimes under Title 12 or Title 29-A are subject to a fine of up to \$1,000.

Sec. 18. 15 MRSA §3314, sub-§3, as amended by PL 2025, c. 173, §1, is repealed.

Sec. 19. 15 MRSA §3314, sub-§3-C is enacted to read:

3-C. Juvenile's license suspension for motor vehicle offenses. For any adjudication under Title 29-A, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license must be suspended by the court as provided by Title 29-A, chapter 23. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State.

Sec. 20. 15 MRSA §3314-A, as amended by PL 2019, c. 113, Pt. C, §51, is further amended to read:

§3314-A. Period of probation; modification and discharge

The period of probation of a juvenile, its modification and discharge, is as provided by Title 17-A, section 1804, except that the period of probation of a juvenile ~~convicted~~ adjudicated of a juvenile crime as defined by section 3103, subsection 1, paragraph B; ~~or C or E~~ may not exceed one year. The period of probation may extend beyond the juvenile's 21st birthday.

Sec. 21. 17 MRSA §2872, as amended by PL 1995, c. 65, Pt. A, §54 and affected by §153 and Pt. C, §15, is further amended to read:

§2872. Employees transporting minors

~~No~~ A person may not be employed in any preschool facility in any capacity that involves the transporting of minors by means of motor vehicle if ~~the person, within the preceding 6-year period~~ prior to commencement of that employment, the person has been convicted of a violation of former Title 29, section 1312, subsection 10; section 1312-B or 1312-C; Title 15, section 3103, subsection 1, paragraph F; or Title 29-A, section 2411 within the preceding 6-year period or the person has been adjudicated for a juvenile crime

under Title 15, section 3103, subsection 1, paragraph A for conduct that, if committed by an adult, would be considered criminal under Title 29-A, section 2411.

Sec. 22. 17-A MRSA §10-A, sub-§1, as amended by PL 2007, c. 173, §6, is further amended to read:

1. A criminal proceeding may not be commenced against any person who had not attained 18 years of age at the time of the alleged crime, except as the result of ~~a finding of probable cause authorized by an order of bind-over pursuant to Title 15, section 3101, subsection 4, or in regard to the offenses over which juvenile courts have no jurisdiction, as provided in Title 15, section 3101, subsection 2.~~

Sec. 23. 28-A MRSA §2052, sub-§4, as amended by PL 2003, c. 452, Pt. P, §5 and affected by Pt. X, §2, is further amended to read:

4. Minor can may not be charged with both illegal transportation and illegal possession. A minor charged with illegal transportation under this section may not be charged with illegal possession under section 2051. A minor who possesses or consumes liquor in a motor vehicle under the terms of this section must be charged under this section, rather than under section 2051. This subsection does not preclude charges, when appropriate, for a juvenile crime under Title 15, section 3103, subsection 1, paragraph F, ~~when appropriate A for conduct that, if committed by an adult, would be considered criminal under Title 29-A.~~

Sec. 24. 29-A MRSA §115, as amended by PL 2021, c. 330, §10, is repealed.

Sec. 25. 29-A MRSA §2401, sub-§9, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A violation of a juvenile crime defined in Title 15, section 3103, subsection 1, paragraph F A for conduct that, if committed by an adult, would be considered criminal under section 2411 or defined as Class B or C crimes under this Title;

Sec. 26. 29-A MRSA §2401, sub-§9, ¶F, as enacted by PL 1995, c. 65, Pt. A, §114 and affected by §153 and Pt. C, §15, is amended to read:

F. An adjudication or other determination made under the juvenile laws of this State or of another jurisdiction for conduct that, if committed by an adult, would have been a conviction included in this subsection, including the conduct ~~under Title 15, section 3103, subsection 1, paragraph F~~ described in paragraph B.

Sec. 27. 29-A MRSA §2411, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. Juvenile crime. References in this Title to this section include the juvenile crime in Title 15, section 3103, subsection 1, paragraph ~~F A for conduct that, if committed by an adult, would be considered criminal under this section,~~ and the disposition, including a suspension, for that juvenile crime in Title 15, section 3314, subsection 3 3-C, except as otherwise provided or except where the context clearly requires otherwise.

Sec. 28. 34-A MRSA §1001, sub-§11, as amended by PL 2017, c. 148, §6, is further amended to read:

11. Juvenile client. "Juvenile client" means a juvenile committed to a juvenile correctional facility who is either residing at the facility or is on community reintegration

status, or ordered confined in a juvenile correctional facility pursuant to ~~Title 12, section 6004, 8004 or 10608; Title 15, section 3314, subsection 1, paragraph H; Title 15, section 3314, subsection 7; or Title 29-A, section 115.~~

Sec. 29. 34-A MRSA §3802, sub-§1, ¶G, as amended by PL 2007, c. 686, §2, is repealed.

Sec. 30. Application. The changes made by this Act have no effect on any charges, adjudications or dispositions for conduct committed prior to the effective date of this Act.