



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1189

H.P. 794

House of Representatives, March 20, 2025

**An Act to Prohibit Arrest and Detention for Civil Violations and
Require an Attorney for the State to Determine Whether to Charge
a Class E Offense as a Civil Violation**

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 MOONEN of Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: CARUSO of Caratunk, HENDERSON of Rumford, KUHN of Falmouth,
LEE of Auburn, POIRIER of Skowhegan, SINCLAIR of Bath, Senator: TALBOT ROSS of
Cumberland.

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

2 **Sec. 1. 17-A MRSA §4-B, sub-§5** is enacted to read:

3 5. A person may not be arrested or detained for a civil violation.

4 **Sec. 2. 17-A MRSA §19-A** is enacted to read:

5 **§19-A. Election to charge Class E crime as civil violation**

6 The attorney for the State shall make a determination whether to charge a defendant
7 for a civil violation in place of a Class E offense that is not eligible for probation. In making
8 the determination, the attorney for the State shall consider the severity of the defendant's
9 conduct, the impact of the conduct on the victim, any prior convictions or adjudications
10 entered against the defendant and any other factor relevant to whether a criminal or civil
11 sanction will best accomplish the purposes of the general sentencing provisions in that
12 particular case. The factors involved in the determination are not elements of the criminal
13 offense or civil violation and are not subject to proof or disproof as prerequisites or
14 conditions for a criminal conviction or civil adjudication. The determination by the
15 attorney for the State under this section is not subject to judicial review. For a person who
16 is charged with and adjudicated as having committed a civil violation under this section, a
17 penalty of not more than \$1,000 may be adjudged.

18 **SUMMARY**

19 This bill clarifies that a person may not be arrested or detained for a civil violation.
20 The bill also directs the attorney for the State to determine whether to charge a defendant
21 for a civil violation in place of a Class E crime that is not eligible for probation based upon
22 a variety of factors and with a penalty of no more than \$1,000. The factors involved in the
23 determination are not elements of the criminal offense or civil violation and the
24 determination is not subject to judicial review.