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Legislative Document

No. 1849

H.P. 1233

House of Representatives, April 30, 2025

An Act to Establish a Minimum Age at Which a Juvenile May Be Adjudicated

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.
Cosponsored by Representatives: BRENNAN of Portland, NUTTING of Oakland, SINCLAIR of Bath.

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

2 **Sec. 1. 12 MRSA §6004**, as amended by PL 2021, c. 330, §1, is repealed.

3 **Sec. 2. 12 MRSA §8004**, as amended by PL 2021, c. 330, §2, is repealed.

4 **Sec. 3. 12 MRSA §10608**, as amended by PL 2021, c. 330, §3, is repealed.

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

7 References in this Title to this subsection are deemed to ~~refer~~ include reference to the
8 juvenile crime stated in Title 15, section 3103, subsection 1, paragraph E A for conduct
9 that, if committed by an adult, would be defined as criminal under this section and to the
10 disposition, including a suspension, for that juvenile crime as provided in Title 15, section
11 3314, ~~subsection 3~~, except as otherwise provided or when the context clearly requires
12 otherwise.

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

15 **§1004. Applicability and exclusions**

16 This chapter applies to the setting of bail for a defendant in a criminal proceeding,
17 including the setting of bail for an alleged contemnor in a plenary contempt proceeding
18 involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does
19 not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-
20 conviction review proceedings under sections 2121 to 2132, probation revocation
21 proceedings under Title 17-A, sections 1809 to 1814, supervised release revocation
22 proceedings under Title 17-A, section 1883 or administrative release revocation
23 proceedings under Title 17-A, sections 1851 to 1857, except to the extent and under the
24 conditions stated in those sections. This chapter applies to the setting of bail for an alleged
25 contemnor in a summary contempt proceeding involving a punitive sanction under the
26 Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material
27 witness only as specified in sections 1103 and 1104, respectively. This chapter does not
28 apply to a person arrested for a juvenile crime as defined in section 3103 ~~or a person under~~
29 ~~18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not~~
30 ~~a juvenile crime as defined in section 3103.~~

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

33 **14. Juvenile.** "Juvenile" means:

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

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

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

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

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

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

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

13 (2) The use or possession of drug paraphernalia as provided in Title 17-A, section
14 1111-A, subsection 4-B; and

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

17 C. Offenses involving intoxicating liquor, as provided in Title 28-A, sections 2051 and
18 2052 and offenses involving refusal to provide proper identification as provided in Title
19 28-A, section 2087; and

20 ~~E. Offenses involving hunting or the operation or attempted operation of a watercraft,~~
21 ~~ATV or snowmobile while under the influence of intoxicating liquor or drugs, as~~
22 ~~defined in Title 12, section 10701, subsection 1-A, and offenses involving failing to~~
23 ~~aid an injured person or to report a hunting accident as defined in Title 12, section~~
24 ~~11223;~~

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

28 G. A violation of section 393, subsection 1, paragraph C or section 393, subsection
29 1-A; and.

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

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

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

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

40 **1. Warrantless arrests.** Arrests without warrants of juveniles for juvenile crimes
41 defined by section 3103, subsection 1, paragraphs A, ~~E, F,~~ and G ~~and H~~ by law enforcement

1 officers or private persons must be made pursuant to the provisions of Title 17-A, sections
2 15 and 16. ~~For purposes of this section, a juvenile crime defined under section 3103,~~
3 ~~subsection 1, paragraph H is deemed a Class D or Class E crime.~~ A law enforcement officer
4 or private person may not arrest a juvenile for a juvenile crime defined by section 3103,
5 subsection 1, paragraph B or C.

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

7 **Sec. 11. 15 MRSA §3301, sub-§7**, as amended by PL 2019, c. 525, §13, is repealed.

8 **Sec. 12. 15 MRSA §3308-C, sub-§8**, as enacted by PL 2021, c. 365, §19 and
9 affected by §37, is amended to read:

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

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

23 **Sec. 13. 15 MRSA §3310, sub-§4**, as amended by PL 2009, c. 93, §10, is further
24 amended to read:

25 **4. Standard of proof.** If the court finds that the elements of the juvenile crime as
26 defined in section 3103, subsection 1, paragraph A, ~~E, F, or G~~ or H are not supported by
27 evidence beyond a reasonable doubt or that the elements of a juvenile crime as defined in
28 section 3103, subsection 1, paragraph B or C are not supported by a preponderance of the
29 evidence, the court shall order the petition dismissed and the juvenile discharged from any
30 detention or restriction previously ordered. The juvenile's parents, guardian or other legal
31 custodian must also be discharged from any restriction or other temporary order.

32 **Sec. 14. 15 MRSA §3310, sub-§5, ¶A**, as amended by PL 2009, c. 93, §11, is
33 further amended to read:

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

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

42 ~~G. Except for a violation of section 3103, subsection 1, paragraph H, the~~ The court
43 may impose a fine, subject to Title 17-A, sections 1701 to 1711, except that there is no

1 mandatory minimum fine amount. For the purpose of this section, juvenile offenses
2 defined in section 3103, subsection 1, paragraphs B and C are subject to a fine of up to
3 \$1,000.

4 **Sec. 16. 15 MRSA §3314, sub-§3**, as amended by PL 1995, c. 65, Pt. A, §48 and
5 affected by §153 and Pt. C, §15, is repealed.

6 **Sec. 17. 15 MRSA §3314, sub-§3-C** is enacted to read:

7 **3-C. Juvenile's license suspension for motor vehicle offenses.** For any adjudication
8 under Title 29-A, the juvenile's license or permit to operate a motor vehicle, right to operate
9 a motor vehicle or right to apply for or obtain a license must be suspended by the court as
10 provided by Title 29-A, chapter 23.

11 **Sec. 18. 15 MRSA §3314-A**, as amended by PL 2019, c. 113, Pt. C, §51, is further
12 amended to read:

13 **§3314-A. Period of probation; modification and discharge**

14 The period of probation of a juvenile, its modification and discharge, is as provided by
15 Title 17-A, section 1804, except that the period of probation of a juvenile ~~convicted~~
16 adjudicated of a juvenile crime as defined by section 3103, subsection 1, paragraph B, or
17 C or E may not exceed one year. The period of probation may extend beyond the juvenile's
18 21st birthday.

19 **Sec. 19. 17 MRSA §2872**, as amended by PL 1995, c. 65, Pt. A, §54 and affected
20 by §153 and Pt. C, §15, is further amended to read:

21 **§2872. Employees transporting minors**

22 ~~No~~ A person may not be employed in any preschool facility in any capacity that
23 involves the transporting of minors by means of motor vehicle if ~~the person, within the~~
24 preceding 6-year period prior to commencement of that employment, the person has been
25 convicted of a violation of ~~former Title 29, section 1312, subsection 10; section 1312-B or~~
26 1312-C; Title 15, section 3103, subsection 1, paragraph F; or Title 29-A, section 2411
27 within the preceding 6-year period or the person has been adjudicated for a juvenile crime
28 under Title 15, section 3103, subsection 1, paragraph A for conduct that, if committed by
29 an adult, would be considered criminal under Title 29-A, section 2411 or any offenses
30 defined in Title 29-A as a Class B or C crime.

31 **Sec. 20. 17-A MRSA §10-A, sub-§1**, as amended by PL 2007, c. 173, §6, is further
32 amended to read:

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

38 **Sec. 21. 28-A MRSA §2052, sub-§4**, as amended by PL 2003, c. 452, Pt. P, §5
39 and affected by Pt. X, §2, is further amended to read:

40 **4. Minor ~~can~~ may not be charged with both illegal transportation and illegal**
41 **possession.** A minor charged with illegal transportation under this section may not be
42 charged with illegal possession under section 2051. A minor who possesses or consumes

1 liquor in a motor vehicle under the terms of this section must be charged under this section,
2 rather than under section 2051. This subsection does not preclude charges, when
3 appropriate, for a juvenile crime under Title 15, section 3103, subsection 1, paragraph F,
4 when appropriate A for conduct that, if committed by an adult, would be considered
5 criminal under Title 29-A.

6 **Sec. 22. 29-A MRSA §115**, as amended by PL 2021, c. 330, §10, is repealed.

7 **Sec. 23. 29-A MRSA §2401, sub-§9, ¶B**, as enacted by PL 1993, c. 683, Pt. A, §2
8 and affected by Pt. B, §5, is amended to read:

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

12 **Sec. 24. 29-A MRSA §2401, sub-§9, ¶F**, as enacted by PL 1995, c. 65, Pt. A,
13 §114 and affected by §153 and Pt. C, §15, is amended to read:

14 F. An adjudication or other determination made under the juvenile laws of this State
15 or of another jurisdiction for conduct that, if committed by an adult, would have been
16 a conviction included in this subsection, including the conduct under Title 15, section
17 3103, subsection 1, paragraph F described in paragraph B.

18 **Sec. 25. 29-A MRSA §2411, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and
19 affected by Pt. B, §5, is amended to read:

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

25 **Sec. 26. 34-A MRSA §1001, sub-§11**, as amended by PL 2017, c. 148, §6, is
26 further amended to read:

27 **11. Juvenile client.** "Juvenile client" means a juvenile committed to a juvenile
28 correctional facility who is either residing at the facility or is on community reintegration
29 status, or ordered confined in a juvenile correctional facility pursuant to Title 12, section
30 6004, 8004 or 10608; Title 15, section 3314, subsection 1, paragraph H; Title 15, section
31 3314, subsection 7; or Title 29-A, section 115.

32 **Sec. 27. 34-A MRSA §3802, sub-§1, ¶G**, as amended by PL 2007, c. 686, §2, is
33 repealed.

34 **Sec. 28. Application.** The changes made by this Act have no effect on any charges,
35 adjudications or dispositions for conduct committed prior to the effective date of this Act.

36 SUMMARY

37 This bill modifies provisions of the Maine Juvenile Code.

38 The bill changes the definition of "juvenile" to mean a person who had attained 11
39 years of age but not 18 years of age at the time the person committed an alleged juvenile
40 crime, except that, for the crimes of murder, felony murder and manslaughter and the
41 criminal attempt of those crimes, there is no minimum age.

1 Under current law, the definition of "juvenile crime" limits which crimes established
2 under the Maine Revised Statutes, Title 12 and Title 29-A that a juvenile may be charged
3 with. Under current law, only specifically named crimes within those Titles are considered
4 juvenile crimes. The bill removes the language establishing these limitations so that any
5 crime under Title 12 and Title 29-A is considered a juvenile crime if committed by a
6 juvenile. The Maine Juvenile Code provides for the disposition following adjudication for
7 certain juvenile crimes. The bill adjusts the provisions related to the disposition following
8 adjudication for violations of Title 12 and Title 29-A.

9 The bill also corrects cross-references related to these changes.