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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1233, L.D. 1849, “An Act to Establish a Minimum Age at Which a Juvenile May Be Adjudicated”

Amend the bill by striking out the title and substituting the following:

'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'

Amend the bill in section 6 in subsection 14 by striking out all of paragraph B (page 1, lines 37 to 41 in L.D.) and inserting the following:

'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.'

Amend the bill in section 7 in subsection 1 in paragraph C in the last line (page 2, line 19 in L.D.) by striking out the following: "and"

Amend the bill in section 7 in subsection 1 in paragraph G in the last line (page 2, line 29 in L.D.) by striking out the following: "and," and inserting the following: "; and"

Amend the bill in section 7 in subsection 1 by striking out all of paragraph H (page 2, lines 30 to 33 in L.D.) and inserting the following:

'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.'

Amend the bill by striking out all of section 9 and inserting the following:

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

3 **1. Warrantless arrests.** Arrests without warrants of juveniles for juvenile crimes
4 defined by section 3103, subsection 1, paragraphs A, ~~E, F,~~ G and H by law enforcement
5 officers or private persons must be made pursuant to the provisions of Title 17-A, sections
6 15 and 16. For purposes of this section, a juvenile crime defined under section 3103,
7 subsection 1, paragraph H is deemed a Class D or Class E crime. A law enforcement officer
8 or private person may not arrest a juvenile for a juvenile crime defined by section 3103,
9 subsection 1, paragraph B or C.'

10 Amend the bill by striking out all of section 11 and inserting the following:

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

13 If the juvenile community corrections officer makes a determination pursuant to subsection
14 5, paragraph A or B and decides not to request the attorney for the State to file a petition
15 for a violation of Title 22, section 2389, subsection 2 or Title 28-A, section 2052, the
16 juvenile community corrections officer shall inform the Secretary of State of ~~the violation~~
17 that determination. The Secretary of State shall suspend for a period of 30 days that
18 juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and
19 right to apply for and obtain a license. After the suspension is terminated, any record of
20 the suspension is confidential and may be released only to a law enforcement officer or the
21 courts for prosecution of violations of Title 29-A, section 2412-A.

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

25 For a juvenile who has been issued a commercial driver's license or commercial learner's
26 permit, if the juvenile community corrections officer makes a determination pursuant to
27 subsection 5, paragraph A or B and decides to not request the attorney for the State to file
28 a petition for a violation that would require a disqualification under 49 Code of Federal
29 Regulations, Section 383.51, the juvenile community corrections officer shall inform the
30 Secretary of State of that determination. The Secretary of State shall suspend the juvenile's
31 license or permit to operate a motor vehicle or commercial motor vehicle, right to operate
32 a motor vehicle or commercial motor vehicle and right to apply for or obtain a license in
33 accordance with Title 29-A and 49 Code of Federal Regulations, Section 383.51. Record
34 of the violation is a public record pursuant to Title 29-A, section 251, subsection 2.

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

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

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

1 B. The criminal violation of operating a motor vehicle under the influence of
2 intoxicating liquor or drugs with an excessive alcohol level, as described under Title
3 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes.

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

8 Amend the bill by striking out all of sections 13, 14, 15 and 16 and inserting the
9 following:

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

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

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

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

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

29 G. Except for a violation of the juvenile crimes defined in section 3103, subsection 1,
30 paragraph H, the court may impose a fine, subject to Title 17-A, sections 1701 to 1711,
31 except that there is no mandatory minimum fine amount. For the purpose of this
32 section, juvenile offenses crimes defined in section 3103, subsection 1, paragraphs B
33 and C and juvenile crimes under Title 12 or Title 29-A are subject to a fine of up to
34 \$1,000.

35 **Sec. 16. 15 MRSA §3314, sub-§3,** as amended by PL 2025, c. 173, §1, is repealed.'

36 Amend the bill in section 17 in subsection 3-C in the last line (page 4, line 10 in L.D.)
37 by inserting after the following: "23." the following: 'The court shall immediately transmit
38 a certified abstract of the suspension to the Secretary of State.'

39 Amend the bill in section 19 in §2872 in the first indented paragraph in the last 2 lines
40 (page 4, lines 29 and 30 in L.D.) by striking out the following: "or any offenses defined in
41 Title 29-A as a Class B or C crime"

1 Amend the bill in section 20 in subsection 1 in the 2nd line (page 4, line 34 in L.D.) by
2 striking out the following: "a" and inserting the following: 'a'

3 Amend the bill in section 23 in paragraph B in the first line (page 5, line 9 in L.D.) by
4 inserting after the following: "of" the following: 'a juvenile crime defined in'

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
6 number to read consecutively.

7 SUMMARY

8 This amendment, which is the majority report of the committee, changes the title of the
9 bill. The amendment makes the following changes.

10 1. It includes the willful refusal to pay a fine or willful failure to comply with the terms
11 of any other court order in the definition of "juvenile crime."

12 2. It requires that, if a juvenile community corrections officer does not request the
13 attorney for the State to file a petition for a violation that would require a disqualification
14 of a commercial driver's license or commercial learner's permit under federal regulations,
15 the juvenile community corrections officer is required inform the Secretary of State of the
16 diversion from court of the juvenile offense. The Secretary of State is required to suspend
17 the juvenile's license or permit to operate a vehicle or commercial vehicle and the right to
18 apply for or obtain a license.

19 3. It requires that, when a juvenile is adjudicated for a major motor vehicle or traffic
20 offense, the court shall immediately transmit a certified abstract of the suspension to the
21 Secretary of State.

22 4. It removes from the provision governing employment of a person by any preschool
23 facility in any capacity that involves the transporting of minors by motor vehicle the
24 language that prohibits a person from that employment if, within the preceding 6-year
25 period prior to commencement of that employment, the person was adjudicated for a
26 juvenile crime committed under the Maine Revised Statutes, Title 29-A for any offense
27 that is a Class B or C crime.

28 5. It makes other technical changes to the bill.

29 FISCAL NOTE REQUIRED

30 (See attached)