

CLAC MEMORANDUM/TESTIMONY NFNA  
LD 740, An Act to Establish a Comprehensive Program to Divert Youth from the  
Criminal Justice System and Address Their Needs.

TO: Senator Anne Beebe-Center  
Representative Tavis Hasenfus  
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)  
c/o laura.yustak@maine.gov

RE: LD 740, An Act to Establish a Comprehensive Program to Divert Youth from the  
Criminal Justice System and Address Their Needs.

DA: March 24, 2025

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The Criminal Law Advisory Commission (CLAC)\* respectfully submits the following testimony neither for nor against LD 740.

CLAC strongly supports the concept of establishing a program such as that contemplated by LD 740. CLAC members noted that important components appear to be missing from the current proposal, such as provisions comparable to those outlined in the Juvenile Code regarding the option of proceeding with informal adjustment by a Juvenile Community Corrections Officer in lieu of petition and adjudication. See, e.g., 15 M.R.S. § 3301(6), providing for notice to the attorney for the State, law enforcement officer, and victim regarding an initial decision to pursue informal adjustment instead of a juvenile petition, the allowance for persons to request a review of that decision, and the ability of the attorney for the State to file a petition. In addition, there is no process outlined to address the future course of proceedings in the event that diversion is not successful. The reference to “high-fidelity wraparound principles” at p. 1, lines 41-42 is understood by persons with expertise in juvenile legal matters, but it does not appear to be defined with respect to objective standards, though the sentences following the reference may be intended as a recitation of those principles.

CLAC members observed that any program such as that proposed by LD 740 must be fully funded to be successful, and the proposal for the stakeholder group to develop a juvenile needs assessment process that can be implemented by January 1, 2026 may present an unrealistic timeline.

\*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature’s Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court’s Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.