

Senator Anne Beebe-Center  
Representative Tavis Hasenfus  
Joint Standing Committee on Criminal Justice and Public Safety  
100 State House Station, Room 436  
Augusta, ME 04333

**RE: LD 102, An Act to Notify the Public of Juveniles Who Are Wanted Persons**

Dear Senator Beebe-Center, Representative Hasenfus, and members of the Joint Standing Committee on Criminal Justice and Public Safety,

My name is Margaret MacLellan and I am a resident of Portland, Maine. I am a second-year law student at the University of Maine School of Law who is currently enrolled in the Youth Justice Clinic as a Policy Fellow with the Center for Youth Policy and Law. My testimony in opposition to LD 102 represents my personal views only and not the position of the University of Maine School of Law or the University of Maine System.

Because disclosure of information to the public lasts indefinitely, by authorizing the public release of the identities of system-impacted children and young adults, **LD 102 contradicts the rehabilitative purpose of the Maine Juvenile Code, disregards adolescent brain development research, and would unreasonably harm young people.**

**(1) LD 102 Contradicts the Purposes of the Maine Juvenile Code**

The purposes of the Maine Juvenile Code<sup>1</sup> include securing for each child and young adult “such care and guidance ... as will best serve the juvenile’s welfare and the interests of society” and securing “the necessary treatment, care, guidance and discipline to assist that juvenile in becoming a responsible and productive member of society.” These purposes of the Maine Juvenile Code reflect the rehabilitative nature of Maine’s juvenile justice system, which is based upon the recognition that system-impacted young people should be treated with care and their ability to reintegrate into society protected.

Juvenile courts have historically established that keeping juvenile records confidential is essential to this goal of rehabilitation. Confidentiality ensures that the stigma of a criminal record does not impede the ability of a young person to reintegrate, receive care and guidance, or become a responsible and productive member of society.<sup>2</sup> By authorizing the release of the identities of system-impacted young people, LD 102 instead expands the stigma of a juvenile record and thus contradicts the rehabilitative purpose of Maine’s Juvenile Code.

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<sup>1</sup> See 15 M.R.S. § 3002(1).

<sup>2</sup> Shah, R., Fine., L. (2014). *Juvenile Records: A National Review of State Laws on Confidentiality, Sealing, and Expungement*. Juvenile Law Center. [national-review.pdf](https://www.national-review.org/publications/juvenile-records).

## **(2) LD 102 Disregards Adolescent Brain Development Research**

The Supreme Court has consistently cited adolescent brain research showing that young brains continue developing until the age of twenty-five, making them more impulsive, susceptible to peer pressure, and uniquely able to be rehabilitated.<sup>3</sup> The impulsivity of young brains means that they are more likely to engage in risky behavior – including escape.<sup>4</sup> Because their brains have not fully developed, it is integral to protect young people’s ability to separate their future adult self from their reckless and impulsive childhood or young adult behavior.<sup>5</sup> By authorizing the release of the identities of system-impacted young people indefinitely to the public, LD 102 instead ensures that the mistakes a young person made while their brain was still developing follow them well into their adulthood.

## **(3) LD 102 would Unreasonably Harm Young People**

Public disclosure of the identities of system-impacted young people can result in life-long consequences, including social exclusion, discrimination, and bias from educational institutions, employers, and landlords,<sup>6</sup> which can harm a young person’s ability to secure an education, employment, and safe housing far beyond their sentence has been served. Most young people do not reoffend as adults,<sup>7</sup> so these harms extend beyond any potential benefit of public disclosure. Additionally, young Black people, who are overrepresented in the juvenile justice system and targets for discrimination and bias,<sup>8</sup> would be disproportionately harmed by public disclosure.

LD 102 contradicts the rehabilitative purpose of the Maine Juvenile Code, disregards adolescent brain development research, and would harm young people. For these reasons, I ask the committee to oppose LD 102. Thank you for your time and consideration.

Respectfully submitted,



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<sup>3</sup> See e.g. *Miller v. Alabama*, *Roper v. Simmons*, *Graham v. Florida*.

<sup>4</sup> *Id.*

<sup>5</sup> *Failed Policies, Forfeited Futures: Revisiting a Nationwide Scorecard on Juvenile Records*. (2020). Juvenile Law Center. [the juvenile law center](https://www.juvenilelawcenter.org/failed-policies-forfeited-futures).

<sup>6</sup> Shah, R., Fine., L. (2016). *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records*. Juvenile Law Center. [Future Interrupted - final for web\\_0.pdf](#).

<sup>7</sup> *Id.*

<sup>8</sup> *Failed Policies, Forfeited Futures: Revisiting a Nationwide Scorecard on Juvenile Records*. (2020). Juvenile Law Center. [the juvenile law center](https://www.juvenilelawcenter.org/failed-policies-forfeited-futures).