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## **LD 1189: 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**

Testimony of Rep. Matt Moonen, Portland

April 4, 2025

Good morning, Senator Carney, Representative Kuhn, and honorable members of the Joint Standing Committee on Judiciary. I am here today to present LD 1189: 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, and to ask for your support.

This bill addresses multiple concerns that the Legislature has worked hard to address in recent years: making sure the criminal justice system prioritizes serious threats to health and safety, while recognizing that certain violations of the law, even though they appear in the criminal code, do not necessarily require criminal punishment to address. This bill (1) allows prosecutors the discretion to choose whether to charge people arrested or summonsed for violating Class E crimes that are not eligible for probation with civil violations or criminal violations, and (2) states that a person may not be arrested or detained for a civil violation. It is my understanding that the Department of Public Safety would like to strike the words "or detained" from Section 1 of the bill, and I'm fine with that amendment.

The Judiciary Committee, and the Maine Legislature as a whole, have in recent years asked the whole justice system to prioritize criminal violations that endanger people's health and safety, and to reexamine our state's reliance on incarceration for less serious offenses. This bill is a continuation of that effort, allowing prosecutors to use their discretion to determine when, on occasion, certain low-level offenses need not involve the entire weight of the criminal justice system to correct. Currently, prosecutors have a binary choice when someone is alleged to have committed a Class E crime: they can prosecute or not prosecute.

This bill would give them a third option, which is to hold people accountable with a civil violation rather than a criminal conviction.

This legislation has the potential to help alleviate some of the backlog in the courts, allowing judges, prosecutors, and public defenders to focus their resources on more serious offenses. The bill also would prevent people who violate minor laws from being saddled with criminal records and the collateral consequences that accompany criminal convictions, while still providing a measure of accountability. And, all of this would happen without interfering with law enforcement's ability to address issues at the scene of an incident or prosecutors exercising their discretion so that repeat offenders and offenses of a more serious nature may still be charged as crimes. It is also important to note that no sex crimes are eligible to be charged as civil violations.

This bill is a moderate, sensible initiative that allows prosecutors to use their discretion to decide which offenses are so serious that they require criminal prosecution, and which offenses might be better addressed outside of our criminal justice system. I ask for your support.