

Maine PRISONER ADVOCACY Coalition



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Testimony Neither For nor Against LD 1849 to the Committee on Criminal Justice and Public Safety

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying on behalf of the Maine Prisoner Advocacy Coalition.

We wholeheartedly support the basic intent of this bill. There needs to be a minimum age at which children can be charged and adjudicated for crimes. The idea that we charge and prosecute 7, 10 and thirteen-year-olds is shameful. When they misbehave, they need positive, constructive intervention to help them avoid their behavior in the future. That's what we adults owe our children.

We do not support the proposed age of eleven. We suggest that the minimum age should be at least 14.

The whole idea of juvenile justice is that children have not developed the capacity to reason and be responsible for their behaviors, understand consequences and control their emotions and behaviors. This is also why there should not be ANY exceptions including murder.

Children do not possess the capacity for the *mens rea* for murder. As for manslaughter and felony murder, these are crimes that a child could easily be involved with by accident, without clear understanding at all. A child might be asked to be the lookout or to keep their eye out for adults, as if in a game. If a fatality took place, they could get charged with manslaughter or felony murder, since it requires **no mens rea**.

We support the sections of the bill that bring violations under Title 12 and Title 29-A into the juvenile justice system rather than being treated as adults.

Thank you for your attention. I am glad to try to answer your questions.

* In the interest of honesty and disclosure, a personal background statement is available on request.