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JILL O'BRIEN, DIRECTOR OF GOVERNMENT AFFAIRS MAINE DEPARTMENT OF CORRECTIONS

January 22, 2025

In Support of:

LD 2126, An Act to Eliminate the Juvenile Crime of Willful Refusal to Pay a Fine or Comply with the Terms of a Court Order

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, my name is Jill O'Brien, and I am the Director of Government Affairs for the Maine Department of Corrections.

I am speaking today in support of LD 2126, which is a bill submitted by the Maine Department of Corrections, to correct an error in a prior bill that tried to align the juvenile code with the adult criminal code but neglected to delete the crime of "willful refusal to pay a fine imposed by court order or willful failure to comply with the terms of any other court order." in 15 MRSA § 3103(1)(H).

This offense would not be a crime if committed by an adult and should not be a crime for a juvenile, either.

For juveniles and adults, a proceeding for contempt of court is sufficient in the case of a person who willfully violates a court order. Contempt is already allowed by the juvenile code (15 MRSA § 3314(7)). This statute is sufficient to enforce the court's authority without creating a new juvenile crime for conduct that would not be criminal if committed by an adult.

This bill is necessary to make the juvenile code consistent with the adult criminal code, rather than more strict.

This came about as a result of LD 1849 in the First Special Session of this legislature. LD 1849 brought all Title 12 (conservation) and Title 29-A (motor vehicle) offenses into the juvenile code. But the drafters failed to delete subsection H and instead removed the references to Title 12 and Title 29-A. Subsection H should have been deleted entirely.

Leaving it there makes conduct criminal that would not be a crime if committed by an adult. Because there should not be a separate juvenile crime for refusing to pay a fine or refusing to comply with a court order, MDOC urges you to vote ought to pass on LD 2126.

I am happy to answer any questions. Thank you.

Jill O'Brien
Director of Government Affairs
Maine Department of Corrections