



Maine Chiefs of Police Association
P.O. Box 264 – Oakland, Maine 04963-0264

Chief Jason Moen - President
Chief Michael D. Tracy (Ret.), Executive Director, Tel: (207) 838-6583
email: mcopa@maine.rr.com Web site: www.mainechiefs.com

Updated and corrected testimony

Statement in opposition to

L.D. 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

Joint Standing Committee on Judiciary

April 4, 2025

Senator Carney, Representative Kuhn, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 1189.

The mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

This bill clarifies that a person may not be arrested or detained for a civil violation. The bill also directs the attorney for the State to determine whether to charge a defendant with a civil violation in place of a Class E crime that is not eligible for probation based upon a variety of factors and with a penalty of no more than \$1,000. The factors involved in the determination are not elements of the criminal offense or civil violation and the determination is not subject to judicial review.

Here are some examples of Class E crimes that could be reduced to a civil infraction:

- Operating on a suspended license
- Driving to endanger
- Theft under \$500
- Disorderly conduct
- Certain drug possession violations
- Online threatening and harassment

Even minor criminal offenses can impact public order and public safety. By treating certain crimes as civil infractions and sending the message that certain crimes are acceptable, we are ignoring the fact that some minor criminal actions may rise to more serious offenses in the future. For example, shoplifting a \$450 item from a local store without a criminal penalty may embolden an individual to continue to steal. Or an operator of a motor vehicle whose erratic driving patterns placed the life of another in danger may choose to continue to get behind the wheel if a criminal penalty is not levied.

It is important to remember that there is no victimless crime. Treating Class E offenses as civil violations may diminish the significance of the harm caused to victims, impacting their capacity to seek appropriate justice for the crime committed.

When prosecutors are proposing decriminalization efforts, it is a sign that there's a serious problem. We understand that Maine's judicial system faces thousands of cases annually, and with that comes a significant backlog. However, we are concerned that a statute incorporating this bill could effectively be used to decriminalize entire statutes, rather than the "variety of factors" approach envisioned in the bill's language. As law enforcement officials, we took a sworn oath to detect and prevent crime, and to protect life and property. Minimizing the seriousness of Class E crimes goes against the very principles we promised to uphold.

This bill is also contrary to the intent of previous legislatures that passed laws establishing the class of crimes and the statutory punishment for those crimes. Rather than decriminalization efforts, we support the legislature giving prosecutors the resources they need to handle the caseloads sent to them by police agencies that are working to be responsive to community needs and ensure public safety.

For these reasons, we would ask you to oppose LD 1189 and vote ought not to pass on this bill.

** An earlier version of testimony submitted on 4/3/25 in the online testimony portal by the Maine Chiefs of Police Association incorrectly listed certain violations as Class E crimes. This testimony has removed those references and updated examples within the testimony accordingly.*