

MAINE STATE LEGISLATURE

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L.D. 1189

Date:

6/16/25 Majority

(Filing No. H-752)

JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 794, 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"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow an Attorney for the State to Determine Whether to Charge Certain Class E Crimes as Civil Violations'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRS §19-A is enacted to read:

§19-A. Election to charge Class E crime as civil violation

1. For purposes of this section, "eligible Class E crime" means any Class E crime, except a Class E crime:

A. In Title 21-A; or

B. For which the defendant, if convicted, would be eligible for probation or subject to a mandatory driver's license suspension.

2. The attorney for the State may elect to charge a defendant alleged to have committed an eligible Class E crime with a civil violation instead of the eligible Class E crime unless the defendant was arrested and objects to the substitution of a civil violation charge. In deciding whether to make this election, the attorney for the State shall consider the severity of the defendant's conduct, the impact of the conduct on the victim, any prior convictions or adjudications entered against the defendant and any other factor relevant to whether a criminal or civil sanction will best accomplish the purposes of the general sentencing provisions in that particular case.

3. The determination by the attorney for the State under this section is not subject to judicial review. For a person who is charged with and adjudicated as having committed a civil violation under this section, a penalty of not more than \$1,000 may be adjudged. The

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court shall inform the Secretary of State of any Class E crime under Title 29-A, including the relevant statutory section, that was reduced to a civil violation when a person is adjudicated of a civil violation under this section.

4. If the attorney for the State elects to charge a defendant with a civil violation instead of a Class E crime under Title 29-A and the defendant is adjudicated as having committed the civil violation, the court shall include in the abstract transmitted pursuant to Title 29-A, section 2607 information on the Class E crime, including the statutory citation, that the attorney for the State elected not to charge.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding associated with programming costs.

GENERAL FUND	2025-26	2026-27
All Other	\$3,900	\$0
GENERAL FUND TOTAL	\$3,900	\$0

Sec. 3. Effective date. This Act takes effect January 1, 2026.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment strikes the provision of the bill prohibiting a person from being arrested or detained for a civil violation. The amendment also adds exceptions to Class E crimes that the attorney for the State may charge as a civil violation. Finally, this amendment requires the court to inform the Secretary of State of any Class E crime involving motor vehicles that the attorney for the State elected to charge as a civil violation if the defendant is adjudicated as having committed the civil violation.

The amendment adds an appropriations and allocations section and an effective date of January 1, 2026.

FISCAL NOTE REQUIRED

(See attached)

**132nd MAINE LEGISLATURE****LD 1189****LR 2074(02)**

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

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

A" (H-752)

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$3,900	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$3,900	\$0	\$0	\$0

Fiscal Detail and Notes

This bill provides a one-time General Fund appropriation of \$3,900 in fiscal year 2025-26 to the Judicial Branch for costs associated with programming the Maine Judicial Information System.

Any additional costs to the Office of the Attorney General and the Department of Secretary of State to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.