

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

---

Legislative Document

No. 1189

H.P. 794

House of Representatives, March 20, 2025

**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**

---

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MOONEN of Portland.  
Cosponsored by Senator CARNEY of Cumberland and  
Representatives: CARUSO of Caratunk, HENDERSON of Rumford, KUHN of Falmouth,  
LEE of Auburn, POIRIER of Skowhegan, SINCLAIR of Bath, Senator: TALBOT ROSS of  
Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §4-B, sub-§5** is enacted to read:

3 5. A person may not be arrested or detained for a civil violation.

4 **Sec. 2. 17-A MRSA §19-A** is enacted to read:

5 **§19-A. Election to charge Class E crime as civil violation**

6 The attorney for the State shall make a determination whether to charge a defendant  
7 for a civil violation in place of a Class E offense that is not eligible for probation. In making  
8 the determination, the attorney for the State shall consider the severity of the defendant's  
9 conduct, the impact of the conduct on the victim, any prior convictions or adjudications  
10 entered against the defendant and any other factor relevant to whether a criminal or civil  
11 sanction will best accomplish the purposes of the general sentencing provisions in that  
12 particular case. The factors involved in the determination are not elements of the criminal  
13 offense or civil violation and are not subject to proof or disproof as prerequisites or  
14 conditions for a criminal conviction or civil adjudication. The determination by the  
15 attorney for the State under this section is not subject to judicial review. For a person who  
16 is charged with and adjudicated as having committed a civil violation under this section, a  
17 penalty of not more than \$1,000 may be adjudged.

18 **SUMMARY**

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