

# 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)



# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

---

Legislative Document

No. 2161

---

H.P. 1381

House of Representatives, January 9, 2024

**An Act to Make Technical Corrections to the Maine Juvenile Code,  
the Maine Criminal Code and the Intelligence and Investigative  
Record Information Act**

---

Reported by Representative SALISBURY of Westbrook for the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT  
Clerk

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

2 **Sec. 1. 15 MRSA §3010, sub-§3**, as enacted by PL 2021, c. 365, §9 and affected  
3 by §37, is amended to read:

4 **3. Juvenile history record information pertaining to adjudications.**  
5 Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a  
6 juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile  
7 adjudicated were an adult, then that adjudication and any resulting disposition imposed, but  
8 no other related juvenile history record information, may be disclosed publicly. Any  
9 adjudication and related disposition sealed pursuant to section 3308-C, subsection 10 is not  
10 subject to public disclosure pursuant to this subsection.

11 **Sec. 2. 15 MRSA §3308-C, sub-§10, ¶E**, as amended by PL 2021, c. 701, §1, is  
12 further amended to read:

13 E. Notice of the court's order certifying its granting of the juvenile's petition to seal  
14 juvenile case records pursuant to paragraph B or notice of the court's order of automatic  
15 sealing pursuant to paragraph C must be provided to the Department of Public Safety,  
16 Bureau of State Police, State Bureau of Identification if the adjudication is for a  
17 juvenile crime the ~~criminal records~~ juvenile history record information of which ~~are~~ is  
18 maintained by the State Bureau of Identification pursuant to Title 25, section 1541.  
19 Notice of the order may be sent by electronic transmission. The State Bureau of  
20 Identification or the appropriate agency upon receipt of the notice shall promptly  
21 update its records relating to each of the juvenile adjudications included in the notice.  
22 For purposes of this paragraph, "juvenile history record information" has the same  
23 meaning as in section 3010, subsection 1, paragraph E.

24 **Sec. 3. 16 MRSA §805-A, sub-§2**, as enacted by PL 2023, c. 235, §3, is repealed.

25 **Sec. 4. 17-A MRSA §1604, sub-§5, ¶B**, as amended by PL 2023, c. 316, §12 and  
26 c. 455, §3, is further amended to read:

27 B. If the State pleads and proves that, at the time any crime under chapter 9, 11, 12,  
28 13, 27 or 35; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or  
29 752-F was committed, or an attempt of any such crime was committed, the individual  
30 had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding former  
31 section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or  
32 752-F, or for an attempt of any such crime, or for engaging in substantially similar  
33 conduct in another jurisdiction, the sentencing class for the crime is one class higher  
34 than it would otherwise be.

35 (1) In the case of a Class A crime, the sentencing class is not elevated, but the prior  
36 record must be assigned special weight by the court when imposing a sentence.

37 (2) Section 9-A governs the use of prior convictions when determining a sentence,  
38 except that, for the purposes of this paragraph, for violations under chapter 11, the  
39 dates of prior convictions may have occurred at any time.

40 This paragraph does not apply to section 210-A if the prior convictions have already  
41 served to elevate the sentencing class under section 210-A, subsection 1, paragraph C  
42 or E or any other offense in which prior convictions have already served to elevate the  
43 sentencing class.

