



Janet T. Mills

GOVERNOR

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AUGUSTA, MAINE
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June 23, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 847, *An Act To Divert Young Adults from the Adult Criminal Justice System*.

L.D. 847 would all but immunize “young adults,” ages 18 to 25, from the consequences of committing any Class E crime and it would require a law enforcement officer, the prosecutor and the court each to “determine” in any Class C felony or Class D or E charge against a young adult “whether diversion, instead of a prosecution, is a more appropriate course of action.”

The bill ignores the fact that neither a police officer, nor a prosecutor nor a judge can legally inquire of an accused about the facts of a case or about the individual’s circumstances, for whatever purpose, without violating that individual’s Fifth Amendment right.

The bill also assumes that all persons of that age group are amenable to social service intervention, that “diversion” is available and effective in all cases and in all areas of the state, and that social services are a more appropriate option, regardless of the nature of the crime, the wishes of the victim or the needs of the community or the threat to public safety.

The bill also disregards the necessary and important role police officers play in diffusing volatile situations before they escalate into violence, and is procedurally unworkable.

When officers arrive on the scene of a disturbance, for instance, they often rely on the Class E crimes of Disorderly Conduct or Criminal Trespass to arrest and remove from the scene the person causing the problem, if necessary, thus preventing a situation from spiraling out of control. Under L.D. 847, an officer could only issue a warning to a person who claims to be under the age of 25. This bill would deprive citizens of the protection police afford in circumstances that are all too common and that can prevent further harm.

Finally, the bill also states that an officer, prosecutor or judge has to determine *before* a criminal proceeding whether it should be dismissed in favor of “diversion”. The bill defines “diversion” as simply providing information on certain community-based services. “Diversion,” therefore could



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consist merely of handing out a pamphlet and dismissing a case, which is not a meaningful response to criminal behavior.

For these reasons I am returning L.D. 847 unsigned and vetoed and urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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