



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2236

H.P. 1435

House of Representatives, February 28, 2024

**An Act to Expand the List of Crimes Eligible for a Post-judgment
Motion to Seal Criminal History Record Information to Include
Convictions for Possession and Cultivation of Marijuana**

Reported by Representative MOONEN of Portland for the Joint Standing Committee on
Judiciary pursuant to Resolve 2023, chapter 103, section 7.

Reference to the Committee on Judiciary 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2 **Sec. 1. 15 MRSA §2261, sub-§6**, as enacted by PL 2021, c. 674, §1, is repealed
3 and the following enacted in its place:

4 **6. Eligible criminal conviction.** "Eligible criminal conviction" means:

5 A. A conviction for a current or former Class E crime, except a conviction for a current
6 or former Class E crime under Title 17-A, chapter 11; and

7 B. A conviction for a crime when the crime was committed prior to January 30, 2017
8 for:

9 (1) Aggravated trafficking, furnishing or cultivation of scheduled drugs under
10 Title 17-A, former section 1105 when the person was convicted of cultivating
11 scheduled drugs, the scheduled drug was marijuana and the crime committed was
12 a Class D crime;

13 (2) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,
14 subsection 1, paragraph A, subparagraph (4);

15 (3) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,
16 subsection 1, paragraph B-1, subparagraph (4);

17 (4) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,
18 subsection 1, paragraph C, subparagraph (4);

19 (5) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,
20 subsection 1, paragraph D, subparagraph (4);

21 (6) Unlawful possession of a scheduled drug under Title 17-A, former section
22 1107 when that drug was marijuana and the underlying crime was a Class D crime;

23 (7) Unlawful possession of a scheduled drug under Title 17-A, section 1107-A,
24 subsection 1, paragraph F, subparagraph (2); and

25 (8) Cultivating marijuana under Title 17-A, section 1117, subsection 1, paragraph
26 B, subparagraph (3).

27 **SUMMARY**

28 This bill implements a recommendation of the Criminal Records Review Committee.
29 The bill adds to the definition of "eligible criminal conviction" for the Maine Revised
30 Statutes, Title 15, chapter 310-A, which identifies what is considered an eligible underlying
31 crime for a person to file a post-judgment motion to seal criminal history record information
32 related to the conviction for that crime, any Class D crime related to unlawfully possessing
33 or cultivating marijuana when that crime was committed prior to January 30, 2017, the
34 effective date of Maine's first adult use cannabis laws.