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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1277, L.D. 1916, “An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation”

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

'An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation and to Clarify Dissemination of Sealed Criminal History Record Information to the Department of Professional and Financial Regulation'

Amend the bill by inserting before section 1 the following:

'Sec. 1. 15 MRSA §2265, sub-§5, as enacted by PL 2021, c. 674, §1, is amended to read:

5. Financial services regulatory agencies. The Notwithstanding any provision of law to the contrary, except as provided in subsection 8, the Department of Professional and Financial Regulation, Bureau of Insurance, Bureau of Consumer Credit Protection, Bureau of Financial Institutions and Office of Securities to ensure compliance with Titles 9-A, 9-B, 10, 24, 24-A and 32, as applicable, and any state or federal requirement to perform criminal background checks by those agencies;

Sec. 2. 15 MRSA §2265, sub-§6, as enacted by PL 2021, c. 674, §1, is repealed and the following enacted in its place:

6. Occupational and professional licensing boards and agencies. Notwithstanding any provision of law to the contrary, except as provided in subsection 8, occupational and professional licensing boards as established in Title 5, section 12004-A; agencies performing any regulatory functions within the Office of Professional and Occupational Regulation as described in Title 10, section 8001 and affiliated with the Department of Professional and Financial Regulation as established in Title 10, section 8001; the State Harness Racing Commission as established in Title 5, section 12004-G, subsection 32; and the Maine Criminal Justice Academy under Title 25, chapter 341;

COMMITTEE AMENDMENT

1 **Sec. 3. 15 MRSA §2265, sub-§8**, as enacted by PL 2021, c. 674, §1, is amended to
2 read:

3 **8. Subject to fingerprinting.** An entity that is required by federal or state law to
4 conduct a fingerprint-based criminal history record check pursuant to Title 25, section
5 1542-A. To the extent this subsection applies to the dissemination of any particular record
6 to boards and agencies identified in subsection 5 or 6, this subsection is the exclusive basis
7 for disseminating that criminal history record information or sealed record.

8 **Sec. 4. 15 MRSA §2265**, as enacted by PL 2021, c. 674, §1, is amended by enacting
9 at the end a new paragraph to read:

10 Disseminations authorized in subsections 5, 6 and 8 apply to all criminal history record
11 information and any sealed record, including convictions and nonconvictions. For the
12 purposes of this section, "nonconviction" means a criminal charge that did not result in a
13 conviction. An entity receiving such information may use the disseminated record and
14 information contained in such record as may be reasonably necessary to conduct public
15 administrative proceedings to allow an applicant or licensee to demonstrate rehabilitation
16 under Title 5, chapter 341. An entity receiving such information may use the disseminated
17 record and information contained in such record in any other adjudicatory proceeding, as
18 long as the disseminated information remains confidential but subject to disclosure as
19 provided in Title 5, section 9057, subsection 6, paragraph B. Title 16, section 708,
20 subsections 4 and 5 apply to any administrative proceeding addressed in this paragraph.

21 **Sec. 5. 15 MRSA §2266**, as enacted by PL 2021, c. 674, §1, is amended to read:

22 **§2266. Limited disclosure of eligible criminal conviction**

23 A person whose eligible criminal conviction is the subject of a sealing order under
24 section 2264 may respond to inquiries from persons other than criminal justice agencies
25 and other than entities that are authorized to obtain the sealed criminal history record
26 information under section 2265 by not disclosing the existence of the eligible criminal
27 conviction without being subject to any sanctions under the laws of this State. Other than
28 when responding to criminal justice agencies or when under oath while being prosecuted
29 for a subsequent crime, a person whose criminal conviction is sealed does not violate Title
30 17-A, section 451, 452 or 453 by not disclosing the sealed criminal conviction.
31 Notwithstanding any provision of law to the contrary, a person shall disclose all criminal
32 history record information that is the subject of a sealing order under section 2264 when
33 the disclosure is requested as part of an application to any entity identified in section 2265,
34 subsection 5 or 6 or when disclosure to any such entity is otherwise required by law. A
35 person's failure to make such required disclosure may result in any such entity withholding,
36 denying or revoking the license or other benefit for which the individual applied or received
37 or in such other administrative action as may be authorized by law.'

38 Amend the bill in section 2 in the last line (page 4, line 6 in L.D.) by striking out the
39 following: "January 1, 2026" and inserting the following: 'April 1, 2027'

40 Amend the bill by inserting after section 2 the following:

41 '**Sec. 3. Appropriations and allocations.** The following appropriations and
42 allocations are made.

43 **JUDICIAL DEPARTMENT**

1 **Courts - Supreme, Superior and District 0063**
 2 Initiative: Establishes 2 limited-period Law Clerk positions through June 30, 2028 and
 3 provides funding for related All Other costs.

4	GENERAL FUND	2025-26	2026-27
5	Personal Services	\$0	\$216,000
6	All Other	\$0	\$8,000
7			
8	GENERAL FUND TOTAL	\$0	\$224,000

9 **Courts - Supreme, Superior and District 0063**
 10 Initiative: Provides one-time All Other funding for contracted temporary staffing to assist
 11 with reviewing cases.

12	GENERAL FUND	2025-26	2026-27
13	All Other	\$0	\$232,800
14			
15	GENERAL FUND TOTAL	\$0	\$232,800

16 **Courts - Supreme, Superior and District 0063**
 17 Initiative: Provides one-time funding for compensation to active retired judges to review
 18 cases.

19	GENERAL FUND	2025-26	2026-27
20	All Other	\$0	\$25,375
21			
22	GENERAL FUND TOTAL	\$0	\$25,375

23			
24	JUDICIAL DEPARTMENT		
25	DEPARTMENT TOTALS	2025-26	2026-27
26			
27	GENERAL FUND	\$0	\$482,175
28			
29	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$482,175

30 **PUBLIC SAFETY, DEPARTMENT OF**
 31 **State Police 0291**
 32 Initiative: Provides funding for one SBI Specialist, one Paralegal position and related All
 33 Other costs to automatically seal certain criminal history record information.

34	GENERAL FUND	2025-26	2026-27
35	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
36	Personal Services	\$0	\$114,761
37	All Other	\$0	\$45,292
38			
39	GENERAL FUND TOTAL	\$0	\$160,053

40
 41 **HIGHWAY FUND** **2025-26** **2026-27**

1	Personal Services	\$0	\$61,794
2	All Other	\$0	\$24,388
3			
4	HIGHWAY FUND TOTAL	\$0	\$86,182
5			
6	PUBLIC SAFETY, DEPARTMENT OF		
7	DEPARTMENT TOTALS	2025-26	2026-27
8			
9	GENERAL FUND	\$0	\$160,053
10	HIGHWAY FUND	\$0	\$86,182
11			
12	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$246,235
13			
14	SECTION TOTALS	2025-26	2026-27
15			
16	GENERAL FUND	\$0	\$642,228
17	HIGHWAY FUND	\$0	\$86,182
18			
19	SECTION TOTAL - ALL FUNDS	\$0	\$728,410

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

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SUMMARY

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This amendment, which is the minority report of the committee, changes the title and clarifies the list of entities to which sealed criminal history record information may be disseminated; the basis for such dissemination; and the permissible use of the disseminated sealed criminal history record information by the Department of Professional and Financial Regulation, its agencies and boards and certain other entities. The amendment also clarifies a license applicant's obligation to disclose sealed criminal history record information to these entities. The amendment also adds an appropriations and allocations section.

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FISCAL NOTE REQUIRED
 (See attached)

COMMITTEE AMENDMENT