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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. 1278, L.D. 1917, “An Act to Allow the Sealing of Criminal History Record Information Related to Convictions for Conduct That Is No Longer a Crime in the State”

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

'An Act to Allow the Sealing of Criminal History Record Information Related to Convictions for Conduct That Is No Longer a Crime in the State and to Clarify Dissemination of Sealed Criminal History Record Information to the Department of Professional and Financial Regulation'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 15 MRSA §2261, sub-§6, ¶B, as amended by PL 2025, c. 513, §3, is further amended by amending subparagraph (5) to read:

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

Sec. 2. 15 MRSA §2261, sub-§6, ¶C, as enacted by PL 2025, c. 513, §4, is amended to read:

C. For a motion under section 2262-B, a criminal conviction for any current or former crime; ~~and~~

Sec. 3. 15 MRSA §2261, sub-§6, ¶D is enacted to read:

D. A conviction for conduct that, subsequent to the conviction, the conduct is no longer a crime.

Sec. 4. 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 for in subsection 8, the Department of Professional

COMMITTEE AMENDMENT

1 and Financial Regulation, Bureau of Insurance, Bureau of Consumer Credit Protection,
2 Bureau of Financial Institutions and Office of Securities to ensure compliance with Titles
3 9-A, 9-B, 10, 24, 24-A and 32, as applicable, and any state or federal requirement to
4 perform criminal background checks by those agencies;

5 **Sec. 5. 15 MRSA §2265, sub-§6**, as enacted by PL 2021, c. 674, §1, is repealed
6 and the following enacted in its place:

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

15 **Sec. 6. 15 MRSA §2265, sub-§8**, as enacted by PL 2021, c. 674, §1, is amended to
16 read:

17 **8. Subject to fingerprinting.** An entity that is required by federal or state law to
18 conduct a fingerprint-based criminal history record check pursuant to Title 25, section
19 1542-A. To the extent this subsection applies to the dissemination of any particular record
20 to boards and agencies identified in subsection 5 or 6, this subsection is the exclusive basis
21 for disseminating that criminal history record information or sealed record.

22 **Sec. 7. 15 MRSA §2265**, as enacted by PL 2021, c. 674, §1, is amended by enacting
23 at the end a new paragraph to read:

24 Disseminations authorized in subsections 5, 6 and 8 apply to all criminal history record
25 information and any sealed record, including convictions and nonconvictions. For the
26 purposes of this section, "nonconviction" means a criminal charge that did not result in a
27 conviction. An entity receiving such information may use the disseminated record and
28 information contained in such record as may be reasonably necessary to conduct public
29 administrative proceedings to allow an applicant or licensee to demonstrate rehabilitation
30 under Title 5, chapter 341. An entity receiving such information may use the disseminated
31 record and information contained in such record in any other adjudicatory proceeding, as
32 long as the disseminated information remains confidential but subject to disclosure as
33 provided in Title 5, section 9057, subsection 6, paragraph B. Title 16, section 708,
34 subsections 4 and 5 apply to any administrative proceeding addressed in this paragraph.

35 **Sec. 8. 15 MRSA §2266**, as enacted by PL 2021, c. 674, §1, is amended to read:

36 **§2266. Limited disclosure of eligible criminal conviction**

37 A person whose eligible criminal conviction is the subject of a sealing order under
38 section 2264 may respond to inquiries from persons other than criminal justice agencies
39 and other than entities that are authorized to obtain the sealed criminal history record
40 information under section 2265 by not disclosing the existence of the eligible criminal
41 conviction without being subject to any sanctions under the laws of this State. Other than
42 when responding to criminal justice agencies or when under oath while being prosecuted
43 for a subsequent crime, a person whose criminal conviction is sealed does not violate Title
44 17-A, section 451, 452 or 453 by not disclosing the sealed criminal conviction.

1 Notwithstanding any provision of law to the contrary, a person shall disclose all criminal
2 history record information that is the subject of a sealing order under section 2264 when
3 the disclosure is requested as part of an application to any entity identified in section 2265,
4 subsection 5 or 6 or when disclosure to any such entity is otherwise required by law. A
5 person’s failure to make such required disclosure may result in any such entity withholding,
6 denying or revoking the license or other benefit for which the individual applied or received
7 or in such other administrative action as may be authorized by law.’

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

10 **SUMMARY**

11 This amendment, which is the majority report of the committee, replaces the bill,
12 changes the title and clarifies the list of entities to which sealed criminal history record
13 information may be disseminated, the basis for such dissemination and the permissible use
14 of disseminated sealed criminal history record information by the Department of
15 Professional and Financial Regulation, its agencies and boards and certain other entities.
16 The amendment clarifies a license applicant’s obligation to disclose sealed criminal history
17 record information to these entities. The amendment also clarifies that for the conduct to
18 be an eligible criminal conviction, the conduct must no longer be a crime.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**