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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. 1279, L.D. 1918, “An Act to Clarify the Criminal History Record Information Act with Respect to Criminal Charges Dismissed as the Result of a Plea Agreement”

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

**'An Act to Clarify the Criminal History Record Information Act with Respect to Criminal Charges Dismissed as the Result of a Plea Agreement and to Clarify Dissemination of Sealed Criminal History Record Information to the Department of Professional and Financial Regulation'**

Amend the bill by inserting after the enacting clause 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 for 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**Sec. 2. 15 MRSA §2265, sub-§6**, as enacted by PL 2021, c. 674, §1, is repealed and the following enacted in its place: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 to the  
19 same extent as provided in Title 5, section 9057, subsection 6, paragraph B. Title 16,  
20 section 708, subsections 4 and 5 apply to any administrative proceeding addressed in this  
21 paragraph.

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

23 **§2266. Limited disclosure of eligible criminal conviction**

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

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

40           '**Sec. 3. Effective date.** Those sections of this Act that amend the Maine Revised  
41 Statutes, Title 16, section 703, subsection 2, paragraph G and that enact Title 16, section  
42 705, subsection 5 take effect April 1, 2027.'

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

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**SUMMARY**

This amendment, which is the majority 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 clarifies a license applicant's obligation to disclose sealed criminal history record information to these entities. The amendment also provides an effective date of April 1, 2027 for the provisions that clarify the Criminal History Record Information Act with respect to criminal charges dismissed as the result of a plea agreement.

**FISCAL NOTE REQUIRED**

**(See attached)**