

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

S.P. 126 - L.D. 259

An Act to Establish the Criminal Records Review Commission in Statute

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§52-D is enacted to read:

52-D.

|                 |   |                        |                |
|-----------------|---|------------------------|----------------|
| Judiciary:      | <u>Criminal Records Review Commission</u> | <u>Legislative Per</u> | <u>16 MRSA</u> |
| <u>Criminal</u> |   | <u>Diem and</u>        | <u>§901</u>    |
| <u>Records</u>  |   | <u>Expenses for</u>    |                |
|                 |   | <u>Legislators</u>     |                |

Sec. 2. 16 MRSA c. 11 is enacted to read:

CHAPTER 11

CRIMINAL RECORDS REVIEW COMMISSION

§901. Establishment

The Criminal Records Review Commission, established by Title 5, section 12004-I, subsection 52-D and referred to in this chapter as "the commission," is established for the purpose of conducting a continuing review of laws, rules and procedures pertaining to criminal history record information and submitting to the Legislature its findings and recommendations on an annual basis. For the purposes of this chapter, "criminal history record information" has the same meaning as in section 703, subsection 3.

§902. Membership; terms; chair; vacancies; quorum

1. Membership. The commission consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;

- B. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
- C. The Attorney General or the Attorney General's designee;
- D. The Commissioner of Health and Human Services or the commissioner's designee;
- E. The Commissioner of Public Safety or the commissioner's designee;
- F. The Commissioner of Corrections or the commissioner's designee;
- G. The chair of the Right To Know Advisory Committee, established in Title 1, section 411, or the chair's designee;
- H. The president of an organization representing the interests of prosecutors in the State, or that president's designee, appointed by the President of the Senate;
- I. The president of an organization representing criminal defense lawyers in the State, or that president's designee, appointed by the President of the Senate;
- J. A representative of a civil rights organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate;
- K. A representative of an organization that provides legal assistance on immigration, appointed by the President of the Senate;
- L. A representative of an organization whose primary mission is to address issues related to poverty, appointed by the President of the Senate;
- M. A representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of domestic violence, appointed by the President of the Senate;
- N. A representative of a substance use disorder treatment or recovery community, appointed by the President of the Senate;
- O. A representative of an adult and juvenile prisoners' rights organization, appointed by the President of the Senate;
- P. A representative of newspaper and other press interests, appointed by the President of the Senate;
- Q. The president of an organization representing county sheriffs, or that president's designee, appointed by the Speaker of the House of Representatives;
- R. The president of an organization representing municipal police chiefs, or that president's designee, appointed by the Speaker of the House of Representatives;
- S. A representative of broadcasting interests, appointed by the Speaker of the House of Representatives;
- T. A representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of sexual assault, appointed by the Speaker of the House of Representatives;
- U. A representative of an organization that provides free civil legal assistance to citizens of the State with low incomes, appointed by the Speaker of the House of Representatives;

V. A representative of a mental health advocacy organization, appointed by the Speaker of the House of Representatives;

W. A representative of an organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House of Representatives;

X. A representative of a nonprofit organization whose primary mission is to advocate for victims and survivors of sexual exploitation and sex trafficking, appointed by the Speaker of the House of Representatives;

Y. A representative of an organization involved in advocating for juvenile justice reform, appointed by the Speaker of the House of Representatives; and

Z. A representative of a public records access advocacy organization, appointed by the Speaker of the House of Representatives.

The commission shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the commission.

**2. Terms.** Members of the commission who are Legislators serve during the term of office for which they were elected. Members of the commission who are not Legislators serve for a term of 2 years and may be reappointed. Members of the commission who are not Legislators may serve beyond their designated terms until their successors are appointed.

**3. Chairs.** The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

**4. Vacancies.** In the event of a vacancy on the commission, the member's unexpired term must be filled through appointment by the appointing authority for the vacant seat.

**5. Quorum.** A quorum of the commission consists of 15 members.

### **§903. Duties and powers**

**1. Review of laws, rules and procedures.** The commission shall review laws, rules and procedures pertaining to criminal history record information in this State, including but not limited to:

A. Procedures within the Department of Public Safety regarding the collection, maintenance and dissemination of criminal history record information;

B. The criteria and eligibility for sealing criminal history record information;

C. Public access to criminal history record information; and

D. The vacating of criminal history record information.

**2. Recommendations; legislation.** The commission may submit to the Legislature, at the start of each regular session, proposed changes to the laws pertaining to criminal history record information that the commission determines appropriate. The commission may also make recommendations to the Department of Public Safety, the Chief Justice of the Supreme Judicial Court, the judicial branch's advisory committee on the Maine Rules of Unified Criminal Procedure and any other organization or committee whose affairs pertain to the use, maintenance or dissemination of criminal history record information.

### **§904. Consultation; outside funding**

**1. Consultation.** At the commission’s discretion, the commission may seek the advice of consultants or experts, including representatives of the executive and judicial branches and representatives of public interest organizations, in fields related to its duties.

**2. Outside funding.** The commission may seek outside funding contributions to partially or fully fund the costs of the commission, including staffing. All funding is subject to approval by the Legislative Council in accordance with its policies.

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

**LEGISLATURE**

**Legislature 0081**

Initiative: Appropriates funds for the costs of Legislators serving on the Criminal Records Review Commission.

| <b>GENERAL FUND</b>       | <b>2025-26</b> | <b>2026-27</b> |
|---------------------------|----------------|----------------|
| Personal Services         | \$440          | \$880          |
| All Other                 | \$960          | \$1,920        |
| <b>GENERAL FUND TOTAL</b> | <u>\$1,400</u> | <u>\$2,800</u> |

**Sec. 4. Effective date.** This Act takes effect January 1, 2026.