

Maine PRISONER ADVOCACY Coalition



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Testimony Neither for nor Against LD 1310 to the Committee on Judiciary February 9, 2022

Senator Carney, Representative Harnett, and distinguished members of the Committee.

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices in order to increase public safety and the health of our community.

Criminal convictions are life sentences because of the way we deal with criminal records, making them easily and indiscriminately accessible to the public.

Sealing criminal records such as authorized by this bill will benefit everyone. It makes it more possible for a reformed offender to rejoin society and provides the community with needed and productive workers and tenants.

We urge you to support this bill.

We would be remiss, however, if we did not point out two unfortunate weaknesses and drawbacks to the bill as written. We hope that these defects can be corrected by the committee to produce even better and more productive legislation.

First, the bill contains a laundry list of **exceptions** for which there is no rational justification. They don't seem to have any common purpose or theme or justification. These are not necessary.

This legislation calls for sealed records to be held as "confidential" under [Title 16, sections 703-5](#). This means that the court and criminal justice agencies have access to them. An agency hiring for certain positions effecting vulnerable

* In the interest of honesty and disclosure, a personal background statement is available on request.

populations would also have access to confidential records. Thus, for example, confidential sexual offense records would be available for those hiring for a childcare position. But they should not be available to Home Depot.

In addition, note that since these are all relatively low-level class D and E crimes, these concerns seem misplaced after four years of good behavior.

Second, the bill should call for **automatic sealing** rather than relying on petitions. A petition process effectively limits its benefits to those with the means to pursue petitions. That is unfair and discriminatory. And unnecessary.

As it stands, the bill treats the court as a clerk with a list of requisites leading to a specified result. There is no room for discretion or basis for denial other than failure to meet the requisites.

This is a waste of court resources. It would be better left to a clerk or a computer, either of which would be cheaper in the long run.

In summary, we urge you to first amend LD 1310 by eliminating any exceptions which cannot be mitigated by specific access to confidential records in specified situations.

Second, we urge you to eliminate the petition requirement in favor of an automatic process, perhaps under the purview of the courts or SBI.

And then please support this very important and needed legislation.

Thank you for your attention and support.