



Janet T. Mills
GOVERNOR

STATE OF MAINE
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AUGUSTA, MAINE
04333-0001

February 18, 2022

Hon. Anne Carney, Senate Chair
Hon. Thom Harnett, House Chair
Joint Standing Committee on the Judiciary
Room 438, State House
Augusta, Maine 04333

Re: LD 1310, *An Act Regarding Criminal Records*

Dear Sen. Carney and Rep. Harnett:

Please accept these comments in opposition to L.D. 1310, *An Act Regarding Criminal Records*, and the proposed committee amendment to that was released on February 8, 2022.

Governor Mills has signed several bills sent to her by the Legislature that are meant to assist people as they reenter society after a criminal conviction. L.D. 1167, *An Act Relating to Fair Chance in Employment*, for instance, just became law on October 18, 2021 and prevents an employer from asking on an initial application form whether a person has a criminal conviction and, at later stages of the hiring process, provides the applicant an opportunity to explain any convictions they may have. The Governor supports this kind of balanced approach to addressing the collateral consequences of a conviction as it allows a person the opportunity to get their foot in the door and make a good first impression without their criminal record interfering, but also provides the employer the opportunity to make a fully informed decision about a potential employee.

Governor Mills is sympathetic to people who have been rehabilitated, who have refrained from criminal activity, and whose convictions pose a barrier to their future. Governor Mills has issued thirty pardons to people who have been convicted of many different kinds of crimes, including burglary, unlawful use of an identification card, unlawful trafficking in scheduled drugs, assault, eluding an officer, theft, and criminal mischief. These range from Class E up to Class B crimes. These pardons are granted after the Department of Corrections contacts victims and conducts an investigation, and after the person demonstrates they have committed to a non-criminal way of life at a hearing before the Governor's Board on Executive Clemency.

The Governor does not support simply declaring all Class E and D crimes automatically eligible for sealing. Often, a conviction appears either serious, like a Class B Burglary, or less serious, like a Class E



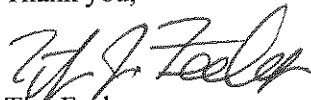
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theft, but after examining the record and hearing from the petitioner and any victims, you find, as they say, "there is more to the story."

The Governor feels strongly that criminal record information is truthful, accurate information and reflects the culmination of efforts undertaken by three separate and distinct branches of our government and should not be so easily set aside. The power to erase a violation of a law enacted by the legislature and proven beyond a reasonable doubt by a prosecutor in open court should not be taken lightly or without serious consideration given to the circumstances presented by the individual petitioner, the conduct that gave rise to the conviction, the views of the victims and the impact on the greater community. Efforts by the Governor's Board on Executive Clemency and policies like those advanced by L.D. 1167 provide a more appropriate balance than L.D. 1310 provides by allowing the parties to the decisions to be fully informed and consider the nuances of each situation. Concerns about how a criminal conviction is used in screening employees will be very effectively addressed as L.D. 1167 is implemented by employers.

For these reasons we urge the committee to vote "Ought Not to Pass" on L.D. 1310.

Thank you,



Tim Feeley
Deputy Legal Counsel
Office of the Governor



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