

Maine PRISONER ADVOCACY Coalition



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Testimony in support of LD 1789 to the Committee on Criminal Justice and Public Safety January 10, 2024

Senator Beebe-Center, Representative Salisbury, 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 in support of LD 1789 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.

When this bill was originally heard in the Judiciary Committee, we testified in favor of it combined with some other expungement bills. Unfortunately, that testimony was separated from this bill.

The way our legal system works, a court delivers a sentence. In my case that was six years in prison and four years' probation.

But that's not the way it **actually** works. The reality is that I received a life sentence.

The debt is never marked "paid" and criminal sentences go on forever because of public criminal records. In my case, hitting a stone wall in employment and in housing because of my criminal record.

In my work with the Prisoner Advocacy Coalition and the Maine Reentry Network, I have worked with literally hundreds of returning citizens and have seen this struggle over and over again.

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

In employment. In housing. Even in access to recovery centers and other services. Did you know that a felony record disqualifies you from Match.com?

Increasing public access to criminal records has been an additional, unlawful, extra-legal sentence or punishment for crimes. For no good reason.¹

The burden falls most heavily on the [poor and racial and ethnic minorities](#) who are over-represented in Maine's prisons. The northern, poorest and most rural counties are also [over-represented in the Maine prisons](#)* partly from the same dynamic.

And it goes on and on. FOREVER.

NOW, compound all this when the punished behavior is no longer a crime! So we have literally thousands of Mainers who continue to be punished for Marijuana related behaviors that are now legal.

This bill represents a beginning to address these injustices of criminal records. issues. We thank Representative Baldacci for this bill.

We do not believe that this bill violates the separation of powers in the Maine Constitution as reflected in *State v Hunter* (447 A.2d 797 (1982)). I would be happy to explain.

We recommend that this bill be revised to address some of the issues raised by the Judicial Branch but these issues must not divert us from taking this necessary action—erase or at least make confidential these records of non-crimes.

We urge you to revise and support LD 1789.

Thank you for your generous attention.

I'd be happy to try to answer questions.

¹ For an excellent recent overview of the literature and research on these issues, see the John Jay College of Criminal Justice report, [Beyond the Record](#). See also a less recent but valuable set of literature reviews and materials from the ACLU, [Back To Business](#).

*These data from the Council of State Governments work in Maine are archived at <https://csgjusticecenter.org/publications/justice-reinvestment-in-maine-third-presentation/>