

Maine PRISONER ADVOCACY Coalition



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Testimony Neither for Nor Against LD 2218 to the Committee on the Judiciary March 15, 2024

Senator Carney, Representative Moonen, 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.

As you know, the reality of our legal system is that a person convicted of a crime receives a life sentence because we make criminal records so publicly available. This is unheard of in most countries. Making those records freely available is seen as cruel and unusual in most countries and a violation of human rights in the European Union.

We in Maine have begun to address this issue by allowing for the sealing of the record of minor class E offenses after four years if the crime was committed between the ages of 18 and 27. In our view, this was an excellent beginning.

This bill simply improves that important statute by eliminating the age restriction. We urge you to support this change.

In my work with the Prisoner Advocacy Coalition and the Reentry Network, I have worked with literally hundreds of returning citizens and have seen the burden of a criminal record 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.

We also want to emphasize that the burden of a criminal record 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 [over-represented in the Maine prisons](#) partly from the same dynamic.¹

The same must be said of the requirement that a court petition be filed. In practice, this tends to mean that only those with more resources will benefit. The petition process further disadvantages those already disadvantaged.

We therefore urge you to amend this statute to make the sealing automatic when the conditions have been met.

We urge you to revise and support LD 2218.

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](#). Data on over-representation in Maine prisons are from the Council of State Governments work in Maine, archived at <https://csgjusticecenter.org/publications/justice-reinvestment-in-maine-third-presentation/>