



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

March 15, 2024

Hon. Anne Carney, Chair
Hon. Matthew Moonen, Chair
Joint Standing Committee on the Judiciary
Room 438, State House
Augusta, Maine 04330

Re: **LD 2218, An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information**

LD 2236, An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana

LD 2252, An Act to Establish the Criminal Records Review Commission

LD 2269, An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation

Dear Senator Carney and Representative Moonen:

Please accept this testimony on behalf of the Governor's Office in reference to the four above referenced bills, L.D. 2218, LD, 2236, LD 2252, and LD 2269. The Governor's Office is opposed to all of these bills.

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.



PRINTED ON RECYCLED PAPER

State law already provides that licensing agencies may only consider convictions that are either within 3 or ten years old, depending on the license sought and the severity of the offense. And these are usually only "considerations" and are not bars to licensure in themselves.

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 pardons to more than sixty 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 A 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 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 these bills by allowing the parties to the decisions to be fully informed and considering the nuances of each situation. Concerns about how a criminal conviction is used in screening employees will be effectively addressed as L.D. 1167 is implemented by employers.

Governor Mills allowed the current sealing process to become law in 2022 because it was limited to instances where a person committed a minor, Class E crime when they were young. These bills would begin expanding the crimes eligible for sealing beyond what was originally agreed upon.

For these reasons we urge the committee to vote "Ought Not to Pass" on L.D. 2218, LD, 2236, LD 2252, and LD 2269.

Thank you,



Tim Feeley
Deputy Legal Counsel
Office of the Governor



PRINTED ON RECYCLED PAPER