

To: Senator Anne Carney
Representative Amy Kuhn
Joint Standing Committee on Judiciary

RE: LD 1856 “An Act Directing the Maine Commission on Public Defense Services to Assist Persons Filing Post-judgment Motions to Seal Criminal History Record Information”

Date: May 9, 2025

The Maine Commission on Public Defense Services submits the following testimony neither for nor against LD 1856.

This bill would make PDS responsible for developing a procedure for assisting persons who file post-judgment motions to seal criminal history record information pursuant to Title 15, Chapter 310-A. As drafted, this bill implies that PDS would be required to assist any person who files for relief under this section, regardless of their financial means or whether their initial case(s) would have qualified for assignment of counsel by the court.

This bill also seems inconsistent with Title 15, Chapter 310-A §2264(2), which reads, “The person filing a motion pursuant to section 2263 has the right to be represented by counsel but is not entitled to assignment of counsel at state expense.”

PDS is concerned that this bill does not include any new resources to enable PDS to assume this new duty and responsibility. There are no new staff positions to develop oversight, training, or recruitment to allow PDS to support this process. Nor are there any additional appropriations for PDS to compensate counsel to assist people in these matters. PDS is currently projecting a \$13 million budget shortfall in fiscal year 2026. PDS is still engaged in litigation in the *Robbins* case, in which the Court has found that PDS is not adequately guaranteeing the 6th Amendment rights of Maine’s citizens. Diverting PDS’ already strained and insufficient resources away from constitutionally required functions to address this new area of practice would be an imprudent use of PDS’ limited resources.

/s/ James A. Billings
James A. Billings
Executive Director