



MAINE PRESS ASSOCIATION

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Sen. Carney, Rep. Kuhn, members of the Joint Standing Committee on Judiciary, my name is Judith Meyer. I offer testimony on behalf of the Maine Press Association against a portion of LD 1871, An Act to Permit Sealing Criminal History Record Information of Victims of Sex Trafficking or Sexual Exploitation.

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The Maine Press Association takes no position on the portion of this proposal that would amend provisions of the law governing post-judgment motions to seal criminal history record information to create a new category of criminal convictions. It is a timely and natural extension of Maine's current post-judgment motion process.

We oppose the second prong of the bill's requirements, as worded, around "business screening services."

Business screening services buy public records in bulk, an issue this committee has previously grappled with, and make those records available to the public for a fee. This bill creates a process by which these kinds of companies would have to investigate and update their files upon request by a person who has successfully sealed certain criminal convictions. It also requires these companies post notice of the date when the record was collected.

These dated notices are already posted to most of these sites – in small print to be sure – that the records are accurate as of a certain date. Beyond that, the information can't be guaranteed. Some sites also post disclaimers that the records may include criminal history record information that has been sealed or become otherwise inaccessible to the public.

Many of these businesses also note in disclaimers that they are in compliance with the Fair Credit Reporting Act, which recognizes in its statement of purpose "there is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy."

Other companies deny they are "consumer reporting services," asserting they are not subject to the provisions of the FCRA and squirming away from its requirements. Tying compliance to both the Fair Credit Reporting Act and the proposal before you may not achieve the ultimate goal to disappear records from an internet search if a business screening service separates itself from the Fair Credit Reporting Act.

These business screening services also warn that their services are not to be used by anyone to "make decisions about consumer credit, employment, insurance, tenant screening, or any other purpose that would require FCRA compliance," putting the burden for how the records are

to be used on the consumer. Does that make these companies responsible for inaccurate information that they warned consumers may be out of date if a consumer uses the information in a way that is not permitted?

The definitions section of the bill wording notes that a “business screening service” does not include a government entity or the news media. The Maine Press Association doesn’t believe that definition offers enough protection to media entities or independent journalists and requests, if this portion of the bill goes forward, that the wording around “news media” be further defined.

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The **Maine Press Association**, founded in 1864, is one of the oldest professional news organizations in the nation. Our goals, as spelled out in our charter and by-laws are: To promote and foster high ethical standards and the best interests of the newspapers, journalists, and media organizations of the state of Maine that constitute its membership; to encourage improved business and editorial practices and better media environment in the state; and to improve the conditions of journalism and journalists by promoting and protecting the principles of freedom of speech and of the press and the public’s right to know.