



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642  
Portland, ME 04112-8642  
(207) 523-9869  
[mainemacdl@gmail.com](mailto:mainemacdl@gmail.com)

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Senator Anne Beebe-Center, Chair  
Representative Tavis Hasenfus, Chair  
Joint Committee on Criminal Justice and Public Safety  
5 State House Station, Room 436  
Augusta, ME 04333

## **RE: LD 1918: An Act to Clarify the Criminal History Record Information Act with Respect to Criminal Charges Dismissed as the Result of a Plea Agreement**

Dear Senator Beebe-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice and Public Safety Committee:

MACDL supports LD 1918 and states as follows.

Maine's Criminal History Record Information Act ("CHRIA") defines what is public information for purposes of criminal history. This law is critical to ensure that only true criminal convictions are part of someone's public record. Arrests and charges that ultimately result in dismissals are not convictions and should not be part of a criminal record.

A provision within the CHRIA (16 M.R.S. § 703(2)(G)), however, is interpreted by the Office of the Attorney General ("OAG") to require the continued publication of dismissed criminal conduct. MACDL disagrees with this interpretation, which is contrary to the plain language and intent of the CHRIA.<sup>1</sup> LD 1918 resolves this problem by clarifying the language within the CHRIA so that a dismissed charge is not public information.

In particular, LD 1918 clarifies when a person charged with a crime admits a civil violation and all criminal charges against the person are dismissed, then those dismissed charges are not considered part of a public criminal record. This of course makes sense because the person has not been convicted of any crime so there should be no criminal record.

These kinds of agreements are relatively common and involve minor offenses. For example, someone charged with Criminal Speeding (35+ MPH over) will often admit a civil speeding ticket

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<sup>1</sup> Section 703(2)(G) prohibits publication of dismissed criminal charges unless the dismissal occurred as part of a "plea," which by its very definition excludes a civil "admission." Notwithstanding the plain language of the statute, the OAG and State Bureau of Identification ("SBI") take the position that a civil admission requires publication of the dismissed criminal charge even though the person never pled guilty to anything and was never convicted of anything.

(29-34 MPH over) for a fine or someone charged with a minor criminal fish and game violation may admit a civil rule violation for a fine instead. These agreements are almost always reached on minor offenses where the individual has no existing criminal record. The very purpose of these agreements is to avoid the unnecessary creation of a criminal record.

The current interpretation and enforcement of 16 M.R.S. § 703(2)(G) is contrary to the plain language of the CHRIA, contrary to the intent of the CHRIA, and creates unnecessary criminal records for people that were never convicted of crimes by keeping a record of their dismissed charge on a SBI report forever. LD 1918 is a commonsense fix this is problem.

For all these reasons, MACDL urges this committee to vote LD 1918 ought to pass.

I would like to be present to testify on January 12, 2026 about this important bill, but have a personal appointment I cannot reschedule. If there are any questions about my testimony, then any member of the committee should please reach out.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.

MACDL President