



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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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 1919: An Act to Expand the Types of Convictions Eligible for Sealing Through a Post-judgment Motion to Seal Criminal History Record Information.

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

MACDL supports LD 1919 and states as follows.

The Legislature passed a criminal sealing law in 2021. *See 15 M.R.S. § 2261, et seq.* This law was an important first step in recognizing the impact a criminal record has on a person's future and the need to recognize the efforts of people with criminal records who have stopped committing crimes and paid their debt to society.

Section 2261, however, is a very narrow law that allows for sealing limited Class E crimes and marijuana-related crimes that are no longer considered crimes. In my private practice I have had the opportunity to file several Motions to Seal under Section 2261. The vast majority of these Motions to Seal are for Driving to Endanger or Disorderly Conduct. We can do better and we can do more.

There are many other low-level offenses that should be eligible for sealing if someone can meet the requirements of Section 2261, which include completion of any sentence imposed and a clean record for at least 4 years between the completion of any sentence and the Order to Seal. LD 1919 adds these additional convictions to

Section 2261, including a limited set of Class D offenses (not DV or sex crimes) and a broader class of drug possession cases. This modest expansion of the convictions eligible for sealing opens the door to sealing for people who have struggled with drug addiction and managed to turn their lives around. This is a group more than any that deserves the opportunity to get a clean start. Heroin and fentanyl addictions have destroyed many lives. The path out of addiction not only requires treatment and drug counseling, but also housing and employment. People who have overcome addiction and stayed out of trouble for four years deserve the opportunity to seal their conviction so they can pursue housing and employment without the scarlet letter of a criminal record.

It is important to note these recommendations were the result of many meetings and deliberations by the various stakeholders in the Criminal Records Review Committee, which

included representatives from the Legislature, law enforcement, prosecutors, defense attorneys, various not-for-profit agencies representing important groups affected by criminal justice, and members of the community.

LD 1919 seeks modest, but critical improvements to the sealing process already in place. It maintains the petition-based process keeping down any cost or burden on SBI or the Judicial Branch. It likewise excludes crimes of violence, domestic violence, and sexual violence.

For all these reasons, MACDL urges this committee to vote LD 1919 ought to pass.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.

MACDL President