

AARON M. FREY
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPSHOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

**Testimony Neither for Nor Against
Submitted by Laura Yustak, AAG
On behalf of Office of Attorney General**

LD 848, An Act to Expunge Certain Nonviolent Drug Crimes

LD 1550, An Act to Authorize the Expungement of Nonviolent Crimes

**LD 1646, An Act to Vacate or Adjust Sentences and Expunge Arrests, Convictions and
Adjudications for Cannabis-related Offenses**

**LD 1789, An Act to Remove All Marijuana-related Provisions from the Maine
Criminal code and Expunge All Convictions Involving Marijuana**

Laws applicable to Sealing and Treatment of Criminal History Record Information
(not including Juvenile Code provisions or specific authorizations to conduct
criminal history background checks)

Criminal History Record Information Act

16 MRS §§ 701-710

<https://legislature.maine.gov/legis/statutes/16/title16ch7sec0.html>

Post-judgment Motion to Seal Criminal History Record

15 MRS §§ 2261-2269 (PL 2021, c. 674)

<https://legislature.maine.gov/statutes/15/title15ch310-Asec0.html>

Occupational License Disqualification on Basis of Criminal Record

5 MRS §§ 5301-5304

<https://legislature.maine.gov/legis/statutes/5/title5ch341sec0.html>

Criminal history record information; employment application [no inquiry re criminal
history on initial application]

26 MRS § 600-A (PL 2021, c. 404)

<https://legislature.maine.gov/legis/statutes/26/title26sec600-A.html>

Report of the Criminal Records Review Committee (Dec. 2021)
<https://legislature.maine.gov/criminal-records-review-committee>
Link to Resolve 2021, c. 121; meeting dates; final report

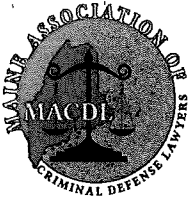
Search Results 4/26/23

Searching Maine Revised Statutes for "*criminal history record information*"

- [Title 16, §703: Definitions](#)
- [Title 18-C, §9-304: Investigation; guardian ad litem; registry](#)
- [Title 16, §709: Right to access and review](#)
- [Title 28-B, §204: Criminal history record check](#)
- [Title 32, §2111: Criminal history record information; fees](#)
- [Title 5, §1986: Criminal history record information for employees and contractors](#)
- [Title 15, §2265: Special restrictions on dissemination and use of criminal history record information](#)
- [Title 8, §1204: Application; criminal history background check](#)
- [Title 12, §12853: License, fees and requirements; youth camp trip leader and educational trip leader exceptions](#)
- [Title 32, §2571-A: Background check for expedited licensure through the Interstate Medical Licensure Compact](#)
- [Title 32, §3275-A: Background check for expedited licensure through the Interstate Medical Licensure Compact](#)
- [Title 26, §600-A: Criminal history record information; employment application](#)
- [Title 22, §5307: Background check for high-risk provider applicants under the MaineCare program](#)
- [Title 22, §8302-C: Investigation](#)
- [Title 16, §702: Scope; application](#)
- [Title 16, §707: Unlawful dissemination of confidential criminal history record information](#)
- [Title 15, §2264: Motion and hearing; process](#)
- [Title 22, §2425-A: Registry identification cards and registration certificates](#)
- [Title 16, Chapter 7: CRIMINAL HISTORY RECORD INFORMATION ACT](#)
- [Title 16, §710: Application to prior Maine criminal history record information](#)
- [Title 5, §247: Criminal history background checks for State Auditor employees](#)
- [Title 25, §1541: Commanding officer](#)
- [Title 22, §8110: Criminal history record checks for employees of children's residential care facilities, emergency children's shelters, shelters for homeless children and any group home that provides care for children](#)

- Title 19-A, §2111: Criminal history record checks for Department of Health and Human Services employees, applicants for employment, contractors and subcontractors
- Title 16, §708: Inapplicability of this chapter to criminal history record information contained in certain records
- Title 15, §2255: Special restrictions on dissemination and use of criminal history record information relating to criminal conviction
- Title 5, §5301: Eligibility for occupational license, registration or permit
- Title 16, §53-A: Privileged communications to sexual assault counselors
- Title 16, §53-B: Privileged communications to victim advocate; family violence
- Title 15, Chapter 310: POST-JUDGMENT MOTION BY PERSON SEEKING TO SATISFY THE PREREQUISITES FOR OBTAINING SPECIAL RESTRICTIONS ON DISSEMINATION AND USE OF CRIMINAL HISTORY RECORD INFORMATION FOR CERTAIN CRIMINAL CONVICTIONS
- Title 15, §2252: Statutory prerequisites for obtaining special restrictions on dissemination and use of criminal history record information for a criminal conviction
- Title 15, §2262: Statutory prerequisites for sealing criminal history record information
- Title 36, §194-B: National criminal history record information
- Title 36, §194-C: National criminal history record information of providers of contract services
- Title 32, §85-B: Emergency medical services ambulance operators
- Title 15, §2261: Definitions
- Title 36, §194-D: Background investigations
- Title 26, §1085: Access to federal tax information; background investigation requirements
- Title 20-A, §12986: Confidential resource advisors
- Title 16, Chapter 3: RECORDS AND OTHER DOCUMENTS
- Title 1, §402: Definitions
- Title 16, §701: Short title
- Title 4, §1553: Roster of guardians ad litem
- Title 36, Chapter 7: UNIFORM ADMINISTRATIVE PROVISIONS
- Title 25, §1705: Authorized criminal history record disclosures
- Title 22, §1724: Criminal background checks
- Title 22, §3480: Investigations
- Title 16, §704: Dissemination of public criminal history record information
- Title 16, §705: Dissemination of confidential criminal history record information
- Title 16, §706: Public information about persons detained following arrest
- Title 15, Chapter 310-A: POST-JUDGMENT MOTION TO SEAL CRIMINAL HISTORY RECORD
- Title 15, §2268: Eligible criminal conviction sealed under former chapter 310
- Title 32, §2173: General provisions and jurisdiction -- Article 3
- Title 32, §85: Emergency medical persons
- Title 25, §1703: Definitions
- Title 22, §4004: Authorizations

- Title 22, §4021: Investigations
- Title 22, §8354: Duties of the investigation team
- Title 20-A, §6103: Criminal history record information conviction data
- Title 15, §712: Exceptions
- Title 12, §10103: Duties
- Title 16: COURT PROCEDURE -- EVIDENCE
- Title 8, §1005: Powers and duties of department
- Title 5, Chapter 163: OFFICE OF INFORMATION TECHNOLOGY
- Title 5, §5302: Denial, suspension, revocation or other discipline of licensees because of criminal record
- Title 34-B, §1225: Criminal background checks
- Title 34-A, §3011: Investigative officers and other law enforcement officers
- Title 32, Chapter 31: NURSES AND NURSING
- Title 32, §14021: General qualifications
- Title 32, §18554: State participation in the compact
- Title 32, §2289: State participation in compact
- Title 25, §1706: Criminal history record request procedures
- Title 22, §2137: Criminal background checks
- Title 22, §7706: Criminal background checks
- Title 20-A, Chapter 221: SCHOOL RECORDS, AUDITS AND REPORTS
- Title 20-A, §6101: Record of directory information
- Title 17, §328: Commercial beano hall
- Title 16, §631: Maine Criminal Justice Information System
- Title 16, §803: Definitions
- Title 15: COURT PROCEDURE -- CRIMINAL
- Title 15, §2263: Motion; persons who may file
- Title 15, §2266: Limited disclosure of eligible criminal conviction
- Title 15, §2269: Violation
- Title 15, §709: Definitions
- Title 15, §713: Evidence
- Title 12, §6209: Commissioner to keep records
- Title 9-A, §13-115: Investigation and examination authority
- Title 5, §4612: Procedure on complaints
- Title 34-A, §1001: Definitions
- Title 34-A, §1216: Confidentiality of information
- Title 29-A, §1352: Motorcycle rider education
- Title 26, Chapter 7: EMPLOYMENT PRACTICES
- Title 22, §4005-G: Department responsibilities regarding kinship and sibling placement
- Title 17, §1837-B: Internet raffle operator license; approval of Internet raffle system
- Title 15, §3308-A: Dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency
- Title 34-B, §3862-A: Protection from substantial threats
- Title 29-A, §1354: Driver education programs



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642

Portland, ME 04112-8642

(207) 523-9869

mainemacdl@gmail.com

April 27, 2023

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5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1550 “An Act to Authorize the Expungement of Records of Nonviolent Crimes” and LD 848 “An Act to Expunge Certain Nonviolent Drug Crimes.”

Dear Senator Carney, Representative Moonen, and Members of the Committee on Judiciary:

MACDL supports LD 1550 and LD 848.

LD 1550 proposes a straight-forward petition process for a person to seek expungement of a narrowly tailored class of crimes after a 5-year waiting period. Mainers deserve a vehicle like LD 1550 to get a “clean slate.”

An expunged conviction is critical for many people to get meaningful employment. All too many employers run background checks and remove applicants from consideration based on a minor criminal record that is years old. People are greater than the worst mistake they ever made and deserve a true second chance.

A criminal record may also affect loan and housing applications. There are already too many barriers for poorer people in Maine without adding the life-long stigma of a criminal conviction.

The majority of states (37) have laws allowing for sealing or expungement of limited felonies (e.g., drug offenses) and the majority of misdemeanors. “50-State Comparison: Expungement, Sealing & Other Relief,” The Restoration of Rights Project, <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside-2/> (last accessed April 24, 2023). LD 1550 takes a step in the right direction by adding Maine to this list of 37 states.

Despite its support, MACDL does urge the committee to consider expanding coverage in at least two areas. First, Engaging in Prostitution is a Class E misdemeanor found in Title 17-A Chapter 35 that should be eligible for expungement. A charge of Engaging in Prostitution is oftentimes a sign that the “perpetrator” is a victim of sex trafficking. People convicted of this crime deserve to the possibility of expungement. Second, the fact that a person over 65 is the victim of a crime should not automatically bar a petition for expungement. People over 65 years of age are capable and no more likely to be victims of many crimes than someone in their 30s. Criminal mischief or other property crimes, for example, where the victim is over 65 are just as deserving of expungement when the convicted person has reformed and stayed out of further trouble.

LD 848 is essentially identical to LD 1550 in form except that it only allows for expungement of misdemeanor and felony drug possession charges. People convicted of these charges most certainly deserve the option to seek expungement when they have done the incredibly hard work of overcoming their substance abuse problems and become productive members of society. MACDL strongly supports LD 848 for this reason. LD 848, however, should be expanded to include the additional narrowly tailored set of criminal convictions contemplated by LD 1550 in addition those discussed above.

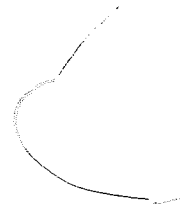
Expungement and/or sealing laws are some of the most effective and important tools to encourage and reward rehabilitation for people convicted of crimes. These laws create an equality of opportunity in employment and housing while also recognizing the importance of dignity and self-respect for people that can truly change themselves for the better.

For all these reasons, MACDL supports LD 1550 and LD 848.

Sincerely,

A handwritten signature in black ink, appearing to read 'MDM', is positioned above the printed name.

Matthew D. Morgan, Esq.
MACDL Vice President

A large, handwritten, curved mark or flourish in black ink, resembling a stylized 'C' or a checkmark, is located on the right side of the page.