



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Carney, Chair
Representative Matt Moonen, Chair
Committee on Judiciary
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,



Matthew D. Morgan, Esq.
MACDL Vice President

