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SPEAKER OF THE HOUSE

March 15, 2024

*Testimony of Speaker Rachel Talbot Ross in Support of*

**LD 2218, An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information;**

**LD 2236, An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana;**

**LD 2269, An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation**

*Before the Joint Standing Committee on Judiciary*

Senator Carney, Representative Moonen, and esteemed members of the Joint Standing Committee on Judiciary. My name is Rachel Talbot Ross, I represent District 118 on the peninsula of Portland, and I serve as Speaker of the House. I am here to provide testimony in strong support of the following three bills:

- **LD 2218, An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information;**
- **LD 2236, An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana;**
- **LD 2269, An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation**

These bills stem from the work of the Criminal Records Review Committee, the authorizing legislation of which I authored and of which I serve as House Chair. These pieces of legislation contribute to a cause to which I believe to be of great importance: the careful and judicious treatment of criminal records, with an eye towards the adverse effects that a criminal record can have on the life of those carrying those records.

This is a project to which I've been committed since I began serving in the legislature, and it's one to which these bills contribute immensely. The Committee, which is composed of legislators, representatives of the judicial branch and law enforcement, victims' advocates, members representing the press and free speech interests, and those otherwise involved in the legal process arrived at these recommendations through careful deliberation and consideration.

The first two bills, LD 2218 and LD 2236, amend the law that allows for those with criminal records to apply to have that information sealed under a post-judgment motion. **LD 2218, An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information**, would remove the age restriction for those seeking to have their records sealed. While special consideration should be given to records belonging to juveniles, the majority of the committee believed that particularly given the number of other constraints in place regarding eligibility for such an application, it is equitable and fair to open the age range of those seeking to have their records sealed.

**LD 2236, An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana** also amends the eligibility for record sealing under a post-judgment motion, and both it and LD 2269 address an issue to which the Criminal Records Review Committee applied particular focus: the treatment of records of convictions related to marijuana.

Now that cannabis is legal and profitable in this state, how do we reckon with the injustice perpetuated by its illegality? Dating back to the 1970s with the proliferation of the war on drugs policies in the United States, millions of Americans were subjected to overly harsh and extreme sentencing policies that caused an overwhelming increase in our prison population, criminalization, and lifelong criminal records; disrupting or altogether eliminating their access to adequate resources and supports to live healthy lives. African Americans, people of color, those living in poverty, and socially excluded groups, including ethnic minorities and women, were disproportionately targeted. This history lives on in the form of criminal records, which continue to perpetuate harm for individuals and communities.

Both LD 2236 and LD 2269 take bold steps towards helping to heal such injustice. LD 2236 would add to the definition of "eligible criminal conviction" any Class D crime related to unlawfully possessing or cultivating marijuana when that crime was committed prior to January 30, 2017, the effective date of Maine's first adult use cannabis laws. **LD 2269, An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation**, creates a process to automatically seal or make confidential criminal history record information related to convictions for marijuana possession and cultivation related crimes committed between and inclusive of 2001 and 2017. By doing so, we would take an important step forward in correcting the injustices embedded in

disproportionate enforcement, and in recognizing the realignment in the conviction landscape for crimes of this nature.

I'll conclude by recognizing once again the work of the Committee in honing these recommendations. For the past six years, I have worked together with this group of stakeholders, and they have been thorough, thoughtful, and collaborative at every turn. These bills before you take important steps forward for those in our state with criminal records, and were formulated with great regard to the other issues that touch the issue of records retention and attrition, a process that served to illuminate a path forward for the work ahead. I look forward to continuing that work, and I urge you to support these bills before you.