

Testimony of Amanda Johnson for the Maine State Chamber of Commerce
Before the Joint Standing Committee on Judiciary
“An Act to Automatically Seal Criminal History Record Information for Certain Crimes”
January 8, 2026

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, my name is Amanda Johnson. I am here on behalf of the Maine State Chamber of Commerce, representing more than 5,000 employers across the state. Thank you for the opportunity to provide testimony in opposition to LD 1911.

The Chamber supports policies that promote workforce participation and second chances, as well as promoting policies to support all population and demographic groups to thrive in this economy. However, LD 1911 raises concerns for employers regarding workplace safety, legal liability, and fair hiring practices. Automatic sealing, as outlined in this bill, would remove an important tool that employers rely on to make informed hiring decisions.

It's essential to note that Maine already has a judicial process in place, as outlined in Title 15, Section 2263, which allows individuals to petition to seal certain lower-level criminal convictions. This process includes a careful, individualized review that considers factors such as rehabilitation, the passage of time, and public safety. A judge evaluates each case on its own merits, ensuring decisions are thoughtful and balanced. This system is flexible, fair, and protects both employees and the public.

LD 1911, however, replaces this case-by-case approach with a blanket automatic system. It does not consider the circumstances of the offense, the nature of the job, or potential risks. Employers would lose access to relevant information while remaining legally responsible for negligent hiring, retention, and supervision, significantly increasing liability without reducing responsibility.

For example, an employer hiring for a position involving access to private homes or vulnerable individuals may be unaware of a prior assault conviction that has been automatically sealed. If harm later occurs, that employer could still face negligent hiring or supervision claims, despite having been denied access to relevant information during the hiring process.

Background checks are one part of a broader assessment, not an automatic disqualification. They are especially important for positions involving vulnerable populations, financial responsibility, access to private property, or safety-sensitive duties. Limiting access to this information undermines employers' ability to make safe, informed decisions.

Automatic sealing also makes it harder to maintain fair and consistent hiring practices. When similar candidates appear differently on paper due to sealed records, HR professionals may struggle to apply policies uniformly. This increases the risk of unintentional discrimination claims and makes it harder to document and defend hiring decisions.

LD 1911 also applies to a wide range of offenses, including Class D and E convictions for drug offenses and certain assaults, which may still pose workplace or public safety risks. The fixed waiting periods—five years for Class D and E offenses and ten years for Class A through C offenses—may not allow sufficient time to assess rehabilitation or risk fully. Implementing the law also requires coordination across multiple agencies, increasing the risk of administrative errors or incomplete information.

In closing, while Maine's existing petition-based system may not be identical to what LD 1911 proposes, it already provides a fair and thoughtful path for record sealing while preserving appropriate safeguards. LD 1911 would shift the entire risk onto employers by removing access to information while maintaining legal liability. This approach does not improve public safety or hiring outcomes and instead creates uncertainty for businesses, workers, and the public.

For these reasons, the Maine State Chamber of Commerce urges the Committee to oppose LD 1911.

Thank you for your time and consideration.