



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

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Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Committee on Judiciary
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1911: An Act to Automatically Seal Criminal History Record Information for Certain Crimes

Dear Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

MACDL supports LD 1911 and states as follows.

The legislature recently passed 15 M.R.S. §2261 and it went into effect on August 9, 2024. This is a petition-based sealing process that requires *pro se* litigants to petition the Court for sealing. It is limited to Class E crimes other than limited circumstances involving marijuana or crimes where the Defendant may have been the victim of sex trafficking.

The petition-based process is woefully inadequate and falls behind the trend of other states that have embraced automatic sealing for misdemeanors convictions across the country. The reasons for such automatic sealing laws are that average citizens cannot easily read and understand criminal sealing laws and are intimidated by the court process. This means that sealing of criminal convictions is generally reserved for wealthier citizens. Although this may be helpful for private practice attorneys, this is not helpful for the community at large and the process of rewarding those who have rehabilitated themselves.

LD 1911 creates an automatic sealing process that makes sealing available to more than wealthy Mainers. It further offers conservative and limited expansions to the existing sealing law by including non-violent and non-sex offense misdemeanors within the possibility of sealing.

LD 1911 is yet another step in the right direction for Maine.

MACDL urges this committee vote LD 1911 ought to pass.

Sincerely,
/s/ Matthew D. Morgan
Matthew D. Morgan, Esq.
MACDL President