Testimony in Support of LD 1911 "An Act to Automatically Seal Criminal History Record Information for Certain Crimes"

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Good Morning Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary. My name is James Myall and I'm a policy analyst at the Maine Center for Economic Policy. I'm testifying today in support of LD 1911, "An Act to Automatically Seal Criminal History Record Information for Certain Crimes" because MECEP believes that a past criminal conviction should not hold back an individual's ability to succeed and our economy as a whole, long after the sentence has been served.

One in four Maine adults has a criminal record, but the majority of these are for low-level crimes or crimes that occurred years ago without repeat offences.[1] Research shows that having a criminal record makes it harder for people to get a job[2] and can lead to decreased future earnings, [3] and difficulty securing basic supports like housing.[4] This not only hurts these individuals unnecessarily, but it also makes us less strong as a state.

On the other hand, one study of a different but similar policy (criminal record expungement) in Michigan found significant increases in employment and earnings after expungement.[5]

Most offenders who exit prison do not return, and even fewer return after a period of at least 5 years.[6] This suggests that outdated criminal records are not a good indicator to an employer of future conduct in the workplace and that automatic sealing will actually give employers a better picture of their applicants. At a time when Maine still has more job openings than it has unemployed people seeking work,[7] we can enable more Mainers to have a second chance at a fresh start and help employers take a new look at potential employees.

It's also important to acknowledge that criminal records disproportionately impact some Mainers more than others – and why that is. Black and Latino Mainers are much more likely to have a criminal record than white Mainers.[8] This is not necessarily due to increased criminality on the part of these populations, but due to bias in the criminal-legal system. A good example are convictions for drug use. This Committee heard in 2019 through the Justice Reinvestment study conducted by the Council of State Governments that Black Mainers, in particular, are much more likely to be arrested for drug offences, and face harsher penalties when convicted.[9]

This isn't due to higher drug use in Maine – *when you look at the number of arrests compared to the rates of drug use*, Black Mainers who use drugs are three and a half times more likely to be arrested than white Mainers who use drugs.[10]

These disparities in convictions mean that the records which follow Mainers around for the rest of their lives fall hardest on already-vulnerable populations.

Maine has already taken steps in the right direction by allowing certain Mainers to apply proactively to have certain misdemeanor records sealed. Unfortunately, that system is not being widely used. An automatic sealing program like that proposed in LD 1911 would streamline the system and more fully realize the idea of giving Mainers a second chance.

For the sake of building a stronger Maine and a stronger economy for everyone who lives here, including tens of thousands who deserve a true fresh start after past mistakes, I urge you to vote "ought to pass."

Thank you, I'll be happy to take any questions.

[1] Clean Slate Initiative data for Maine https://www.cleanslateinitiative.org/data

[2] Uggen, Christopher, et al., "The Edge Of Stigma: An Experimental Audit Of The Effects Of Low-Level Criminal Records On Employment," Criminology Vol 52, Issue 4. November 2014, pp627-654. Available at http://users.soc.umn.edu/~uggen/Uggen_Vuolo_Lageson_Whitham_Ruhland_Crim_14.pdf

[3] Grogger, Jeffrey, "The effect of arrests on the employment and earnings of young men," Quarterly Journal of Economics, Vol 110, 1. Feb 1, 1995. Available at https://canvas.brown.edu/files/51920786/download?download_frd=1&verifier=rWkMlPSOO7GGTaMr0yhDXP OiViUozfGrDUnyUFRo

[4] Nicholas Couloute, "Nowhere to Go: Homelessness among formerly incarcerated people." *Prison Policy Initiative*. Aug 2018. https://www.prisonpolicy.org/reports/housing.html

[5] J. J. Prescott and Sonja Starr, "The Power of a Clean Slate." *Cato Institute*. Summer 2020. https://www.cato.org/regulation/summer-2020/power-clean-slate#expungement-and-employment-outcomes

[6] National Academies of Sciences, Engineering, and Medicine. 2020. "Appendix A: Recidivism, Incarceration, and Crime" in *Decarcerating Correctional Facilities during COVID-19: Advancing Health, Equity, and Safety*. Washington, DC: The National Academies Press. https://doi.org/10.17226/3563

[7] US Bureau of Labor Statistics, Job Openings and Labor Turnover Survey data. As of September 2025, Maine had 1.4 job openings for each unemployed worker.

[8] https://www.cleanslateinitiative.org/data

[9] Ben Shelor et al., "Justice Reinvestment in Maine: Second Presentation to the Maine Commission to Improve the Sentencing, Supervision, Incarceration and Management of Prisoners," *Council of State Governments* Nov 19, 2019 https://csgjusticecenter.org/wp-content/uploads/2020/10/JR-in-Maine-second-presentation1.pdf

[10] Winnifred Tate et al., "A Better Path For Maine: The Case For Decriminalizing Drugs." *ACLU of Maine and Maine Center for Economic* Policy. March 21, 2022, https://www.aclumaine.org/en/betterpathreport p32