

# CRIMINAL RECORDS REVIEW COMMITTEE

## Meeting Agenda

Tuesday, July 16, 2024

9:00a.m. – 4:00p.m.

Maine State House, Room 228 (AFA) and via Zoom

Streaming: <https://legislature.maine.gov/Audio/#228>

1. Welcome and Introductions
  - Senator Donna Bailey, Senate Chair
  - Speaker Rachel Talbot Ross, House Chair
2. Review of Committee Duties and Interim Study Process
  - Office of Policy and Legal Analysis, Staff
3. Update on Outcome of Interim Report Recommendations
  - Office of Policy and Legal Analysis, Staff
  - Amanda Doherty, Maine Judicial Branch
  - Amy McCollett, State Bureau of Identification, DPS
4. Summary of Current Process for Sealing Criminal Records
  - Office of Policy and Legal Analysis, Staff
5. Lunch
6. Separation of Powers Issues Related to Clean Slate Legislation
  - Derek P. Langhauser, Esq.
7. Requesting an Opinion of the Justices
  - Darek M. Grant, Secretary of the Senate
  - Robert B. Hunt, Clerk of the House
8. Discussion and Planning for Next Meeting

### Future Meetings

- Tuesday, August 13, 9:00 a.m. (Hybrid: State House Room 228 and Zoom)
- Tuesday, September 24, (Hybrid: State House Room 228 and Zoom)
- Tuesday, October 8, (Hybrid: State House Room 228 and Zoom)
- Tuesday, November 19, (Hybrid: State House Room 228 and Zoom)

*Additional information and materials are available on the Committee's webpage at:*  
<https://legislature.maine.gov/criminal-records-review-committee-131st-legislature>

# CRIMINAL RECORDS REVIEW COMMITTEE

Established by [Resolve 2023, Chapter 103](#)

## Membership List

<b>Name</b>	<b>Representation</b>
Senator Donna Bailey, Senate Chair	Senate member, appointed by the President of the Senate
Speaker Rachel Talbot Ross, House Chair	House member, appointed by the Speaker of the House
Senator Eric Brakey	Senate member, appointed by the President of the Senate
Representative David Boyer	House member, appointed by the Speaker of the House
Foster Bates	Representative of a civil right organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate
Anna Welch	Representative of an organization that provides legal assistance on immigration, appointed by the President of the Senate
Jason Parent	Representative of an organization whose primary mission is to address issues related to poverty, appointed by the President of the Senate
Andrea Mancuso	Representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of domestic violence, appointed by the President of the Senate
Tess Parks	Representative of a substance use disorder treatment or recovery community, appointed by the President of the Senate
Joseph Jackson	Representative of an adult and juvenile prisoner's rights organization, appointed by the President of the Senate
Dan MacLeod	Representative of newspaper and other press interests, appointed by the President of the Senate
Tim Moore	Representative of broadcasting interests, appointed by the Speaker of the House
Melissa Martin	Representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of sexual assault, appointed by the Speaker of the House
Pedro Vazquez	Representative of an organization that provides free civil legal assistance to citizens of the State with low incomes, appointed by the Speaker of the House
Hannah Longley	Representative of a mental health advocacy organization, appointed by the Speaker of the House
Michael Kebede	Representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House

## CRIMINAL RECORDS REVIEW COMMITTEE

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Amanda Comeau	Representative of a nonprofit organization whose primary mission is to advocate for victims and survivors of sexual exploitation and sex trafficking, appointed by the Speaker of the House
Jill Ward	Representative of an organization involved in advocating for juvenile justice reform, appointed by the Speaker of the House
Judith Meyer	Representative of a public records access advocacy organization, appointed by the Speaker of the House
Kent Avery	Attorney General or the Attorney General's designee
William Montejo	Commissioner of Health and Human Services or the commissioner's designee
Amy McCollett	Commissioner of Public Safety or the commissioner's designee
Samuel Prawer	Commissioner of Corrections or the commissioner's designee
Maeghan Maloney	President of the Maine Prosecutor's Association or the president's designee
Matthew Morgan	President of the Maine Association of Criminal Defense Lawyers or the president's designee
Sheriff Joel Merry	President of the Maine Sheriffs' Association or the president's designee
Chief Jason Moen	President of the Maine Chiefs of Police Association or the president's designee
Representative Erin Sheehan	Chair of the Right to Know Advisory Committee or the chair's designee
Amanda Doherty	Member of the Judicial Branch designated by the Chief Justice of the Supreme Judicial Court

**CRIMINAL RECORDS REVIEW COMMITTEE**  
**Member Introductions (2024)**

<b>Name</b>	<b>Brief Introduction</b>
Senator Donna Bailey, Senate Chair	<i>Chair, Health Coverage, Insurance and Financial Services Committee and Member, Judiciary Committee.</i>
Speaker Rachel Talbot Ross, House Chair	<i>Speaker of the House.</i>
Senator Eric Brakey	<i>Member, Judiciary Committee.</i>
Representative David Boyer	<i>Member, Veterans and Legal Affairs Committee.</i> Previously served as the Marijuana Policy Project's Maine Director and the campaign manager of Yes on 1: Regulate and Tax Marijuana, which legalized cannabis in Maine in 2016.
Foster Bates	<i>President, MSP NAACP.</i>
Anna Welch	<i>Founding Director of Maine Law's Refugee and Human Rights Clinic and Managing Co-Director of the Cumberland Legal Aid Clinic.</i> Through our student attorneys, we engage in broader advocacy and direct representation of low-income individuals on criminal, youth, and civil (including immigration) matters.
Jason Parent	<i>Executive Director / Chief Executive Officer, Aroostook County Action Program (ACAP).</i> ACAP represents vulnerable populations in the rural rim counties of our state, specifically including customers both in the Aroostook County Jail and others incarcerated after release to assist with all facets of community re-integration.
Andrea Mancuso	<i>Public Policy Director, Maine Coalition to End Domestic Violence.</i>
Tess Parks	<i>Policy Organizer, Maine Recovery Advocacy Project (ME-RAP).</i> ME-RAP is a bipartisan grassroots network dedicated to lifting the voices of people in recovery through community-driven and policy-based solutions.
Joseph Jackson	<i>Executive Director, Maine Prisoner Advocacy Coalition (MPAC).</i> MPAC engages in direct action and advocacy with the Maine Department of Corrections on behalf of incarcerated citizens and their families.
Dan MacLeod	<i>Executive Editor, Bangor Daily News.</i>
Tim Moore	<i>President / Chief Executive Officer of the Maine Association of Broadcasters.</i>
Melissa Martin	<i>Public Policy and Legal Director at the Maine Coalition Against Sexual Assault.</i> Represented survivors of sexual violence for many years in civil legal proceedings prior to joining MECASA.
Pedro Vasquez	<i>Pine Tree Legal Assistance.</i> Lifelong human rights defender; serving on this committee as a representative of an organization that provides free civil legal assistance to citizens of the State with low incomes.
Hannah Longley  Devon Gross (when Hannah is unavailable)	<i>Director of Advocacy and Crisis Intervention, National Alliance on Mental Illness (NAMI) Maine.</i> Licensed Clinical Social Worker with over 15 years of clinical experience, collaborating across various facets of the mental health system, including the intersection of mental health and the criminal justice system.  <i>Special Project and Data Specialist at NAMI Maine.</i> Devon collaborates with mental health providers, law enforcement, and community members, interacts with data related to the mental health system, and actively

**CRIMINAL RECORDS REVIEW COMMITTEE**  
**Member Introductions (2024)**

	advocates for mental health through her involvement in the NAMI Maine policy team.
Michael Kebede	<i>Policy Counsel, ACLU Maine.</i>
Amanda Comeau	<i>Director, Survivor Speak USA.</i> Anti-trafficking facilitator, advocate and mentor who works with women to help them get treatment and find housing.
Jill Ward	<i>Director, Center for Youth Policy &amp; Law at Maine Law.</i> Attorney and advocate with more than 25 years' experience in juvenile justice reform; contributed to recent changes to the Maine Juvenile Code around juvenile record confidentiality and sealing.
Judith Meyer	<i>Vice President, Maine Freedom of Information Coalition,</i> a nonprofit entity that advocates for and educates on public access.
Kent Avery	<i>Designee of Attorney General.</i> Assistant Attorney General, Criminal Division. Previously Assistant District Attorney for seven years and criminal defense attorney for three years. Currently represents Maine State Police and Fire Marshal's Office.
William "Bill" Montejo	<i>Director, Division of Licensing and Certification, Maine Department of Health and Human Services.</i>
Amy McCollett	<i>Business System Administrator, Department of Public Safety, Maine State Police, State Bureau of Identification.</i> Gathers and analyzes state and federal rules and laws in order to properly assist with building, testing and implementing computer system processes in order to supply Identity History information (criminal history checks or rap sheets) to the public and law enforcement communities as required by law.
Samuel Prawer	Sam Prawer is the <i>Director of Government Affairs at the Maine Department of Corrections,</i> serving on the Criminal Records Review Committee as the Commissioner's designee.
Maeghan Maloney	<i>President, Maine Prosecutors Association and District Attorney for Kennebec and Somerset counties.</i>
Matthew Morgan	<i>President-Elect, Maine Association of Criminal Defense Lawyers (MACDL)</i> and a practicing criminal defense attorney in both Maine state and federal courts.
Sheriff Joel Merry	<i>Past President, Maine Sheriffs Association and Sheriff of Sagadahoc County.</i> Has served as Sheriff for 16 years as well as on a number of committees that have provided reports to the Legislature. Has also worked with the Administrative Office of the Courts on the issue of fingerprint compliance for law enforcement agencies.
Chief Jason Moen	<i>President, Maine Chiefs of Police Association and Chief of the Auburn Police Department.</i> Chief Moen has served the City of Auburn for the past 29 years, 6 as Chief. He also serves on several MCOPA committees, including the Legislative Committee.
Representative Erin Sheehan	<i>Chair, Right to Know Advisory Committee and Member, Judiciary Committee.</i>
Amanda Doherty	<i>Manager of Criminal Process &amp; Specialty Dockets, Maine Judicial Branch.</i> Prior to current position, served as a prosecutor for almost seven years and in criminal defense for almost a decade before that.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1047 - L.D. 1622

**Resolve, to Reestablish the Criminal Records Review Committee**

**Sec. 1. Review committee established. Resolved:** That the Criminal Records Review Committee, referred to in this resolve as "the review committee," is established.

**Sec. 2. Review committee membership. Resolved:** That, notwithstanding Joint Rule 353, the review committee consists of the following members:

1. Two members of the Senate, appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. The Attorney General or the Attorney General's designee;
4. The Commissioner of Health and Human Services or the commissioner's designee;
5. The Commissioner of Public Safety or the commissioner's designee;
6. The Commissioner of Corrections or the commissioner's designee;
7. The President of the Maine Prosecutors Association or the president's designee;
8. The President of the Maine Association of Criminal Defense Lawyers or the president's designee;
9. The President of the Maine Sheriffs' Association or the president's designee;
10. The President of the Maine Chiefs of Police Association or the president's designee;
11. The chair of the Right To Know Advisory Committee or the chair's designee;
12. A representative of a civil rights organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate;
13. A representative of an organization that provides legal assistance on immigration, appointed by the President of the Senate;

14. A representative of an organization whose primary mission is to address issues related to poverty, appointed by the President of the Senate;

15. A representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of domestic violence, appointed by the President of the Senate;

16. A representative of a substance use disorder treatment or recovery community, appointed by the President of the Senate;

17. A representative of an adult and juvenile prisoners' rights organization, appointed by the President of the Senate;

18. A representative of newspaper and other press interests, appointed by the President of the Senate;

19. A representative of broadcasting interests, appointed by the Speaker of the House of Representatives;

20. A representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of sexual assault, appointed by the Speaker of the House of Representatives;

21. A representative of an organization that provides free civil legal assistance to citizens of the State with low incomes, appointed by the Speaker of the House of Representatives;

22. A representative of a mental health advocacy organization, appointed by the Speaker of the House of Representatives;

23. A representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House of Representatives;

24. A representative of a nonprofit organization whose primary mission is to advocate for victims and survivors of sexual exploitation and sex trafficking, appointed by the Speaker of the House of Representatives;

25. A representative of an organization involved in advocating for juvenile justice reform, appointed by the Speaker of the House of Representatives; and

26. A representative of a public records access advocacy organization, appointed by the Speaker of the House of Representatives.

The review committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the review committee.

**Sec. 4. Appointments; convening of review committee. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the review committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have

been made, the chairs may request authority and the Legislative Council may grant authority for the review committee to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the review committee shall:

1. Review activities in other states that address the expungement, sealing, vacating of and otherwise limiting public access to criminal records;
2. Consider so-called clean slate legislation options;
3. Consider whether the following convictions should be subject to different treatment:
  - A. Convictions for conduct that has been decriminalized in this State over the last 10 years and conduct that is currently under consideration for decriminalization;
  - B. Convictions for conduct that is nonviolent or involves the use of marijuana; and
  - C. Convictions for conduct that was committed by victims and survivors of sexual exploitation and sex trafficking;
4. Consider whether there is a time limit after which some or all criminal records should not be publicly available;
5. Invite comments and suggestions from interested parties, including but not limited to victim advocates and prison and correctional reform organizations;
6. Review existing information about the harms and benefits of making criminal records confidential, including the use and dissemination of those records;
7. Invite comments and suggestions concerning the procedures to limit public accessibility of criminal records;
8. Consider who, if anyone, should continue to have access to criminal records that are not publicly available;
9. Develop options to manage criminal records; and
10. Review and consider criminal records expungement legislation referred to the Joint Standing Committee on Judiciary during the 131st Legislature, including, but not limited to, legislative documents 848, 1550, 1646 and 1789.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the review committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Interim report. Resolved:** That, no later than December 6, 2023, the review committee shall submit to the Joint Standing Committee on Judiciary an interim report that includes, but is not limited to, its findings and recommendations, including suggested legislation, regarding the expungement, sealing, vacating of and otherwise limiting public access to criminal records related to convictions for conduct that is nonviolent or involves the use of marijuana. The joint standing committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

**Sec. 8. Final report. Resolved:** That, no later than November 6, 2024, the review committee shall submit to the joint standing committee of the Legislature having jurisdiction over judiciary matters a final report that includes its findings and recommendations not included in the interim report, including suggested legislation. The



joint standing committee may report out legislation related to the report to the 132nd Legislature in 2025.



About Office of Policy and Legal Analysis

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Committee Materials

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Government Evaluation Act

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Legislative Digest (bills and enacted laws)

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Legislative Studies

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Legislative Study Reports (Completed Studies)

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Major Substantive Rules

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# Criminal Records Review Committee - 131st Legislature

([Resolve 2023, c. 103](#))

## 2024 Meeting Dates and Materials:

- **Tuesday, July 16, 2024 at 9:00 a.m., State House Room 228 (AFA)**
  - Livestream available here: <https://legislature.maine.gov/Audio/#228>
- **Tuesday, August 13, 2024 at 9:00 a.m., State House Room 228 (AFA)**
- **Tuesday, September 24, 2024 at 9:00 a.m., State House Room 228 (AFA)**
- **Tuesday, October 8, 2024 at 9:00 a.m., State House Room 228 (AFA)**
- **Tuesday, November 19, 2024 at 9:00 a.m., State House Room 228 (AFA)**

## 2023 Meeting Dates and Materials:

- **[Monday, November 13, 2023 at 9:00 a.m.](#), State House, Rm 228 (AFA)**
  - [Archived meeting video](#)
- **[Wednesday, November 29, 2023 at 9:00 a.m.](#), State House, Rm 228 (AFA)**
  - [Archived meeting video](#)
- **Monday, December 11, 2023 at 9:00 a.m., State House, Rm 228 (AFA)**
  - [Archived meeting video](#)
- **[Interim Criminal Records Review Committee Report \(January 2024\)](#)**
- For reference, here is the link to the [2021 Criminal Records Review Committee](#) website.

Please use the following link to subscribe to the interested parties e-mail list for this study: [criminal.records.review-ip@lists.legislature.maine.gov](mailto:criminal.records.review-ip@lists.legislature.maine.gov)

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## Other Committee Information:

- **Background Materials**
- **[Committee Members](#)** (membership will be updated soon)
- **Committee Staff**
  - [Janet Stocco](#), OPLA
  - [Sophia Paddon](#), OPLA

Janet Stocco and Sophia Paddon may be reached by phone at 207-287-1670 or or by email using the email addresses linked above.

**CRIMINAL RECORDS REVIEW COMMITTEE**  
**Update on Recommendations from January 2024 Interim Report**

<b>Recommendation</b>	<b>Outcome</b>
<p><b>Recommendation 1. Establish a permanent commission based on the Criminal Records Review Committee.</b> (unanimous of CRRC members voting)</p> <p>Appendix J to the Interim Report proposed draft legislation to implement this recommendation by:</p> <ul style="list-style-type: none"> <li>Establishing a permanent Criminal Records Review <i>Commission</i>, with similar membership to the current CRRC.</li> <li>The permanent CRRC would have express authority to (a) submit legislation relating to criminal history record information at the start of each session and (b) make recommendations to the Department of Public Safety, Chief Justice and Advisory Committee on Maine Rules of Unified Criminal Procedure.</li> </ul>	<p><b>Not Met.</b></p> <p>The Judiciary Committee introduced and held a public hearing on <a href="#">L.D. 2252</a>, <i>An Act to Establish the Criminal Records Review Commission</i>, which was based on the proposal in Appendix J.</p> <p>A majority of the Judiciary Committee voted in favor of the bill, which was amended to fund the cost of Legislators serving on the committee with an approx. \$3,500 per year ongoing General Fund appropriation. LD 2252 remained on the Special Appropriations Table when the Second Regular Session of the Legislature adjourned on May 10, 2024.</p>
<p><b>Recommendation 2. Establish a process to automatically seal criminal convictions for Class D and Class E crimes relating to marijuana possession and cultivation contained in electronic records.</b> (CRRC vote: 15-6; 4 abstained; 4 absent)</p> <p>Appendix K to the Interim Report proposed draft legislation to implement this recommendation by:</p> <ul style="list-style-type: none"> <li>Establishing a process to automatically seal convictions for Class D and Class E crimes related to marijuana possession and cultivation for crimes committed after Jan. 1, 2001 (when electronic records were in use) but before Jan. 30, 2017 (the effective date of the State’s adult recreational use of cannabis law).</li> <li>Automatic sealing would only be available to a defendant not currently facing criminal charges and only if the defendant had not either been convicted of a crime or had a criminal charge dismissed as a result of deferred disposition after fully satisfying the sentence for the most recent conviction to be sealed.</li> <li>SBI would be required to examine all criminal history record information in its files at least monthly to identify convictions potentially eligible for sealing and transmit that information to the Administrative Office of the Courts. The AOC would then gather all information in its files related to the identified convictions and transfer that information to the court of conviction for a judicial determination whether the conviction qualifies for automatic sealing.</li> </ul>	<p><b>Not Met.</b></p> <p>The Judiciary Committee introduced and held a public hearing on <a href="#">LD 2269</a>, <i>An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation</i>, which was based on the proposal in Appendix K.</p> <p>A majority of the Judiciary Committee voted that LD 2269 “Ought Not to Pass.” This recommendation was accepted by both the Senate and the House of Representatives.</p> <p><i>Note:</i> A minority of the Judiciary Committee voted in favor of an amended version of LD 2269, which tweaked the definition of an “eligible criminal conviction” to ensure it includes only crimes no longer considered illegal under Maine’s adult use cannabis laws. This amended version of the bill was accompanied by a fiscal note requiring approximately \$150,000 in funding to the Department of Public Safety in the first fiscal year for a paralegal position and one-time programming costs and approximately \$480,000 in funding to the Judicial Branch in the first fiscal year for 2 limited-period law clerk positions, active retired judge compensation and other temporary staffing. If this version of the bill had been enacted, a portion of these costs would have been ongoing.</p>

**CRIMINAL RECORDS REVIEW COMMITTEE**  
**Update on Recommendations from January 2024 Interim Report**

<ul style="list-style-type: none"> <li>The automatic sealing order would have the same effect as an order sealing a record under the current motion to seal process: The conviction would be treated as confidential criminal history record information and defendant would be authorized by law to respond to inquiries from persons other than criminal justice agencies by not disclosing the existence of the conviction.</li> </ul>	
<p><b>Recommendation 3. Add convictions for Class D crimes relating to marijuana possession and cultivation to the list of eligible criminal convictions for which a person can submit a motion to seal criminal history record information related to the conviction.</b> (CRRC vote: 17-3; 6 abstained; 3 absent)</p> <p>Appendix L to the Interim Report proposed draft legislation to implement this recommendation by:</p> <ul style="list-style-type: none"> <li>Amending the definition of “eligible criminal conviction” in the law identifying the types of convictions for which a defendant may file a post-judgment motion to seal criminal history record information—to newly include any Class D crime related to unlawfully possessing or cultivating marijuana that were committed before Jan. 30, 2017, the effective date of the State’s adult recreational use of cannabis law.</li> <li>All other requirements under current law for filing a post-judgment motion to seal—<i>i.e.</i>, defendant has no current pending criminal charges and 4 years have passed since defendant was discharged with no subsequent criminal convictions or dismissals as a result of deferred disposition—would apply to these new Class D convictions.</li> </ul>	<p><b>Met.</b></p> <p>The Judiciary Committee introduced and held a public hearing on <a href="#">LD 2236</a>, <i>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</i>, which was based on the proposal in Appendix L.</p> <p>A majority of the Judiciary Committee voted in favor of an amended version of LD 2236, which tweaked the definition of “eligible criminal conviction” to ensure the newly included Class D crimes include only those crimes no longer considered illegal under Maine’s adult use cannabis laws.</p> <p>The amended bill was enacted as <a href="#">Public Law 2023, chapter 639</a>.</p>
<p><b>Recommendation 4. Increase public outreach and notifications to qualified persons for the current post-judgment motion to seal criminal history record information.</b> (unanimous of CRRC members voting)</p> <p>The CRRC sent a letter to Chief Justice Stanfill, which is included in Appendix M to the Interim Report, requesting that the Maine Judicial Branch:</p> <ul style="list-style-type: none"> <li>Revise court form (CR-218), used by defendants filing a post-judgment motion to seal, to clarify that a defendant is not required to be represented by an attorney to file the motion.</li> <li>Expand public outreach by (a) updating the criminal law and other relevant sections of the Judicial Branch website to provide information on the post-</li> </ul>	<p><i>(Information on progress toward implementing this recommendation will be provided by the Maine Judicial Branch and Department of Public Safety.)</i></p>

**CRIMINAL RECORDS REVIEW COMMITTEE**  
**Update on Recommendations from January 2024 Interim Report**

<p>judgment motion to seal process and (b) providing information on the process to criminal defendants and others involved in the judicial system through any other resources the branch feels appropriate and helpful.</p> <p>The CRRC sent a letter to Commissioner Sauschuck, which is included in Appendix N to the Interim Report, requesting that the Department of Public Safety expand public outreach on the post-judgment motion to seal process by:</p> <ul style="list-style-type: none"> <li>• Updating the SBI website to provide general information on the post-judgment motion to seal process;</li> <li>• Updating relevant forms and materials used by SBI and provided to convicted persons informing them of this process; and</li> <li>• Creating a system whereby individuals seeking their own criminal history record information (CHRI) are informed they may be eligible to have their CHRI sealed.</li> </ul>	
<p><b><i>Recommendation 5. Remove the statutory prerequisite that a person must have been aged 18 to 27 years when they committed the underlying crime in order to be eligible to have the person’s criminal history record information sealed.</i></b> (unanimous of CRRC members voting)</p> <p>Appendix O to the Interim Report proposed draft legislation to implement this recommendation by:</p> <ul style="list-style-type: none"> <li>• Repealing the requirement that a defendant convicted of a crime must have been at least 18 years of age but less than 28 years of age at the time the crime was committed to qualify to file a post-judgment motion to seal the criminal history record information related to the conviction.</li> </ul>	<p><b>Met.</b></p> <p>The Judiciary Committee introduced and held a public hearing on <a href="#">LD 2218</a>, <i>An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information</i>, which was based on the proposal in Appendix O.</p> <p>A majority of the Judiciary Committee voted in favor LD 2218 and the bill was enacted as <a href="#">Public Law 2023, chapter 666</a>.</p>

**Recommendations for further CRRC discussion this year (see Interim Report pages 13-14):**

- Examine potential separation of powers issues related to clean slate legislation
- Examine additional options for clean slate legislation, including:
  - Who should be eligible for record sealing or expungement—including the types of criminal convictions that may be sealed and other requirements defendants must meet to qualify for sealing. *See* Sections 5(3) & (4) of Resolve 2023, chapter 103 (CRRC duties).

**CRIMINAL RECORDS REVIEW COMMITTEE**  
**Update on Recommendations from January 2024 Interim Report**

- Consider Senator Brakey’s suggestion to allow a person convicted of Class E and Class D marijuana possession or cultivation offenses that are no longer illegal in the State to petition for “expungement” of “personally identifiable information” related to these convictions.
  - Clarify the intent of the CRRC with respect to what “sealing,” “expungement” or the selected language means, given that the use of the term “expunge” in other states’ clean slate laws may not match the layperson’s understanding of these terms.
  - Consider the mechanisms for sealing or expunging conviction records and where the relevant records are held—for example, conviction records may be held not only by SBI but also by courts, law enforcement agencies, licensing agencies and the Department of Corrections.
  - Consider that, even if a government record of conviction is sealed or expunged, information regarding the underlying arrest or conviction often remains available through news media, social media and other sources.
- Examine the collateral consequences of criminal convictions, including, for example, the use (sometimes required by law) of CHRI when individuals apply for jobs, apartments, benefits or professional licenses.

**Note: Additional Relevant Legislation Enacted in 2024.**

[Public Law 2023, chapter 560](#) (LD 747), *An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification* (emergency effective March 25, 2024), establishes a uniform process for county probate courts to report adult name change orders to SBI.

- All adults seeking a name change in probate court must undergo a criminal history record check. If the adult is currently on probation, parole or supervised release or is required to register as a sex offender, there is a rebuttable presumption against granting the name change.
- A probate court may make the name change order confidential if the adult’s interest in confidentiality outweighs the public interest in disclosure. There is a presumption against making the order confidential if the adult was convicted of a Class D or Class E crime in the past 5 years or a more serious crime within the past 10 years and the order may not be made confidential if the adult is currently on probation, parole or supervised release or is required to register as a sex offender.
- Beginning Jan. 1, 2025, probate courts must electronically transmit all adult name change orders to SBI, unless in a particular case the court finds extraordinary circumstances that a confidential adult name change order should not be transmitted to SBI.
- In response to a request for an adult’s public CHRI, a Maine criminal justice agency may disseminate information associated with each of the adult’s former and current legal names unless a name change order was made confidential (either through the process above or any other provision of law). If the name change order is confidential, a Maine criminal justice agency may not disclose to any requester who is not authorized to receive confidential CHRI either (a) the existence of the name change or (b) any CHRI associated with a legal name of the adult that is not included within the request.
- This law does not affect how an adult must respond to an inquiry about the adult’s past criminal convictions.