



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1818

H.P. 1351

House of Representatives, December 17, 2021

Resolve, To Reestablish and Continue the Work of the Criminal Records Review Committee

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 15, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Representative: HARNETT of Gardiner, Senators: BAILEY of York,
CARNEY of Cumberland.

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

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

5 1. Two members of the Senate appointed by the President of the Senate, including one
6 member from each of the 2 parties holding the largest number of seats in the Legislature;

7 2. Two members of the House of Representatives appointed by the Speaker of the
8 House of Representatives, including one member from each of the 2 parties holding the
9 largest number of seats in the Legislature;

10 3. The Attorney General or the Attorney General's designee;

11 4. The Commissioner of Health and Human Services or the commissioner's designee;

12 5. The Commissioner of Public Safety or the commissioner's designee;

13 6. The Commissioner of Corrections or the commissioner's designee;

14 7. The President of the Maine Prosecutors Association or the president's designee;

15 8. The President of the Maine Association of Criminal Defense Lawyers or the
16 president's designee;

17 9. The President of the Maine Sheriffs' Association or the president's designee;

18 10. The President of the Maine Chiefs of Police Association or the president's designee;

19 11. The chair of the Right To Know Advisory Committee or the chair's designee;

20 12. A representative of a civil rights organization whose primary mission includes the
21 advancement of racial justice, appointed by the President of the Senate;

22 13. A representative of an organization that provides legal assistance on immigration,
23 appointed by the President of the Senate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **Sec. 4. Appointments; convening of review committee. Resolved:** That all
21 appointments must be made no later than 30 days following the effective date of this
22 resolve. The appointing authorities shall notify the Executive Director of the Legislative
23 Council once all appointments have been completed. After appointment of all members,
24 the chairs shall call and convene the first meeting of the review committee. If 30 days or
25 more after the effective date of this resolve a majority of but not all appointments have
26 been made, the chairs may request authority and the Legislative Council may grant
27 authority for the review committee to meet and conduct its business.

28 **Sec. 5. Duties. Resolved:** That the review committee shall continue the work of the
29 former Criminal Records Review Committee, as established by Resolve 2021, chapter 121,
30 and:

31 1. Review activities in other states that address the expungement, sealing and vacating
32 of and otherwise limiting public access to criminal records;

33 2. Consider "clean slate" legislation options;

34 3. Consider whether the following convictions should be subject to different treatment:

35 A. Convictions for conduct that has been decriminalized in this State over the last 10
36 years and conduct that is currently under consideration for decriminalization; and

37 B. Convictions for conduct that was committed by victims and survivors of sexual
38 exploitation and sex trafficking;

39 4. Consider whether there is a time limit after which some or all criminal records should
40 not be publicly available;

- 1 5. Invite comments and suggestions from interested parties, including but not limited
2 to victim advocates and prison and correctional reform organizations;
- 3 6. Review existing information about the harms and benefits of making criminal
4 records confidential, including the use and dissemination of those records;
- 5 7. Invite comments and suggestions concerning the procedures to limit public
6 accessibility of criminal records;
- 7 8. Consider who, if anyone, should continue to have access to criminal records that are
8 not publicly available; and
- 9 9. Develop options to manage criminal records.

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

13 **Sec. 7. Report. Resolved:** That, no later than November 2, 2022, the review
14 committee shall submit to the Joint Standing Committee on Judiciary a report that includes
15 its findings and recommendations, including suggested legislation, for presentation to the
16 First Regular Session of the 131st Legislature.

17 **SUMMARY**

18 This resolve reestablishes the Criminal Records Review Committee, which was first
19 established by Resolve 2021, chapter 121, and directs it to report to the First Regular
20 Session of the 131st Legislature.