

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1856

H.P. 1240

House of Representatives, April 30, 2025

**An Act Directing the Maine Commission on Public Defense Services
to Assist Persons Filing Post-judgment Motions to Seal Criminal
History Record Information**

Reported by Representative KUHN of Falmouth for the Joint Standing Committee on
Judiciary pursuant to Resolve 2023, chapter 103, section 8.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

Robert B. Hunt

ROBERT B. HUNT
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 4 MRSA §1804, sub-§3, ¶O**, as amended by PL 2023, c. 394, Pt. A, §2, is
3 further amended to read:

4 O. Establish a system to audit financial requests and payments that includes the
5 authority to recoup payments when necessary. The commission may summon persons
6 and subpoena witnesses and compel their attendance, require production of evidence,
7 administer oaths and examine any person under oath as part of an audit. Any summons
8 or subpoena may be served by registered mail with return receipt. Subpoenas issued
9 under this paragraph may be enforced by the Superior Court; ~~and~~

10 **Sec. 2. 4 MRSA §1804, sub-§3, ¶P**, as enacted by PL 2023, c. 394, Pt. A, §3, is
11 amended to read:

12 P. Develop and maintain a registry of names, telephone numbers and other contact
13 information for attorneys who provide legal services to persons who are incarcerated.
14 The commission shall on a weekly basis provide these names, telephone numbers and
15 other contact information to all sheriffs' offices and to the Department of Corrections.
16 On the Monday following transmission of the information, the sheriffs' offices and the
17 Department of Corrections have constructive notice that communications to and from
18 these attorneys by residents of jails and correctional facilities are subject to the
19 attorney-client privilege. The attorneys' names, telephone numbers and other contact
20 information are confidential; ~~and~~

21 **Sec. 3. 4 MRSA §1804, sub-§3, ¶Q** is enacted to read:

22 Q. Develop a procedure for assisting persons who file post-judgment motions to seal
23 criminal history record information under Title 15, chapter 310-A.

24 SUMMARY

25 This bill is reported out by the Joint Standing Committee on Judiciary to implement
26 statutory changes recommended by the Criminal Records Review Committee established
27 in Resolve 2023, chapter 103. The joint standing committee has not taken a position on the
28 substance of this bill. By reporting this bill out, the joint standing committee is not
29 suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this
30 bill; instead, the joint standing committee is reporting the bill out for the sole purpose of
31 having a bill printed that can be referred to the joint standing committee for an appropriate
32 public hearing and subsequent processing in the normal course. The joint standing
33 committee is taking this action to ensure clarity and transparency in the legislative review
34 of the proposals contained in the bill.

35 The bill implements a recommendation of the Criminal Records Review Committee.
36 The bill requires the Maine Commission on Public Defense Services to develop a procedure
37 for assisting persons who file post-judgment motions to seal their criminal history record
38 information under Title 15, chapter 310-A of the Maine Revised Statutes.