

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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**Legislative Document**

**No. 1911**

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S.P. 752

In Senate, May 6, 2025

### **An Act to Automatically Seal Criminal History Record Information for Certain Crimes**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TALBOT ROSS of Cumberland.  
Cosponsored by Representative BOYER of Poland and  
Senator: TIPPING of Penobscot, Representatives: LEE of Auburn, PUGH of Portland, SATO  
of Gorham, SINCLAIR of Bath.

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

2 **Sec. 1. 4 MRSA §17, sub-§17, ¶C**, as amended by PL 2021, c. 684, §2, is further  
3 amended to read:

4 C. The statement on proposed legislation prepared by the State Court Administrator  
5 must be considered in the preparation of the fiscal note included in a committee  
6 amendment or other amendment if the legislation or amendment has a fiscal impact on  
7 the judicial system, as determined by the State Court Administrator; ~~and~~

8 **Sec. 2. 4 MRSA §17, sub-§18, ¶B**, as enacted by PL 2021, c. 684, §3, is amended  
9 by amending subparagraph (8) to read:

10 (8) Provide a mechanism for the retention of all information submitted to or  
11 communicated by or within the system; and

12 **Sec. 3. 4 MRSA §17, sub-§19** is enacted to read:

13 **19. Review for automatic sealing of criminal history record information.** Establish  
14 and maintain a process by which the Administrative Office of the Courts must perform its  
15 obligations to assist with the automatic sealing of criminal history record information for  
16 eligible criminal convictions as provided under Title 15, section 2403.

17 **Sec. 4. 15 MRSA c. 313** is enacted to read:

## 18 **CHAPTER 313**

### 19 **AUTOMATIC SEALING OF CERTAIN CRIMINAL HISTORY RECORD** 20 **INFORMATION**

#### 21 **§2401. Definitions**

22 As used in this chapter, unless the context otherwise indicates, the following terms  
23 have the following meanings.

24 **1. Bureau.** "Bureau" means the Department of Public Safety, Bureau of State Police,  
25 State Bureau of Identification.

26 **2. Criminal history record information.** "Criminal history record information" has  
27 the same meaning as in Title 16, section 703, subsection 3.

28 **3. Criminal justice agency.** "Criminal justice agency" has the same meaning as in  
29 Title 16, section 703, subsection 4.

30 **4. Dissemination.** "Dissemination" has the same meaning as in Title 16, section 703,  
31 subsection 6.

32 **5. Eligible criminal conviction.** "Eligible criminal conviction" means:

33 A. A conviction for a current or former Class E crime, except a conviction for a current  
34 or former Class E crime under Title 17-A, chapter 11;

35 B. A conviction for a current or former Class D crime, except:

36 (1) A conviction for a current or former Class D crime under Title 17-A, chapter  
37 11 or 12;

1           (2) A conviction for violation of condition of release under section 1092,  
2           committed while the defendant was on preconviction or post-conviction bail for a  
3           crime under Title 17-A, chapter 11 or 12;

4           (3) A conviction for a current or former Class D crime under Title 17-A, section  
5           852, 853 or 855;

6           (4) A conviction for assault under Title 17-A, section 207 if the defendant was or  
7           could have been charged with a crime under Title 17-A, chapter 11 or 12 arising  
8           out of the same course of conduct;

9           (5) A conviction for stalking under Title 17-A, section 210-A or domestic violence  
10           stalking under Title 17-A, section 210-C;

11           (6) Unless a sentence has been commuted, a conviction involving a crime of  
12           domestic violence or a crime involving domestic violence, as defined in section  
13           1003, subsection 3-A;

14           (7) A violation of a protective order, as specified in section 321, subsection 6; Title  
15           5, section 4659, subsection 1; Title 17-A, section 506-B; Title 19-A, former section  
16           4011, subsection 3; Title 19-A, former section 4012, subsection 5; or Title 19-A,  
17           section 4113, subsection 1;

18           (8) A conviction for cruelty to animals under Title 17, section 1031;

19           (9) A conviction for a crime against a family or household member, as defined in  
20           Title 19-A, former section 4002, subsection 4, regardless of whether the  
21           relationship was an element of that crime, if less than 20 years have passed since  
22           the judgment of conviction was entered; or

23           (10) A conviction for the crime of violation of a condition of release, pursuant to  
24           section 1092, committed while the defendant is released on preconviction or post-  
25           conviction bail for a charge that involves a crime against a family or household  
26           member, as defined in Title 19-A, former section 4002, subsection 4, regardless of  
27           whether the relationship was an element of that crime, if less than 20 years have  
28           passed since the judgment of conviction was entered;

29           C. Unlawful possession of scheduled drugs under Title 17-A, section 1107-A or Title  
30           17-A, former section 1107;

31           D. A conviction for any other crime under Title 17-A, chapter 45 not otherwise  
32           specified in paragraph C, except for a conviction for a Class A crime under section  
33           1105-A or a conviction for a crime that involved the use of a firearm; and

34           E. A conviction for a crime committed prior to January 30, 2017 for:

35           (1) Aggravated trafficking, furnishing or cultivation of scheduled drugs under Title  
36           17-A, former section 1105 when the person was convicted of cultivating scheduled  
37           drugs, that scheduled drug was marijuana and the underlying crime was a Class D  
38           or Class E crime;

39           (2) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,  
40           subsection 1, paragraph A, subparagraph (4);

41           (3) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,  
42           subsection 1, paragraph B-1, subparagraph (4);

1                   (4) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,  
2                   subsection 1, paragraph C, subparagraph (4); or

3                   (5) Aggravated cultivating of marijuana under Title 17-A, section 1105-D,  
4                   subsection 1, paragraph D, subparagraph (4).

5                   **§2402. Prerequisites for automatic sealing of criminal history record information**

6                   Criminal history record information relating to one or more specific criminal  
7                   convictions may be sealed under this chapter only if:

8                   **1. Eligible criminal conviction.** The criminal conviction is:

9                   A. An eligible criminal conviction that is a Class D or Class E crime and 5 years have  
10                  passed since the date of conviction; or

11                  B. An eligible criminal conviction that is a Class A, Class B or Class C crime and 10  
12                  years have passed since the date of conviction, and the person who is the subject of the  
13                  criminal history record information has completed the person's sentence, including any  
14                  period of supervised release;

15                  **2. Other convictions in this State.** Since the time at which the person who is the  
16                  subject of the criminal history record information fully satisfied each of the sentencing  
17                  alternatives imposed under Title 17-A, section 1502, subsection 2 for the person's most  
18                  recent eligible criminal conviction up until the time the bureau submits the criminal history  
19                  record information related to that eligible criminal conviction to the Administrative Office  
20                  of the Courts under section 2403, subsection 2, the person has not been convicted of a crime  
21                  in this State and has not had a criminal charge dismissed as a result of a deferred disposition  
22                  pursuant to Title 17-A, former chapter 54-F or Title 17-A, chapter 67, subchapter 4; and

23                  **3. Pending criminal charges.** The person who is the subject of the criminal history  
24                  record information does not have any pending criminal charges in this State.

25                  **§2403. Automatic sealing of criminal history record information**

26                  Criminal history record information for an eligible criminal conviction must be sealed  
27                  in accordance with this section if the eligible criminal conviction and the conduct of the  
28                  person who is the subject of the criminal history record information satisfy the requirements  
29                  of section 2402.

30                  **1. Monthly examination of records.** Beginning January 1, 2027, the Administrative  
31                  Office of the Courts shall examine electronic case records at least once per month and  
32                  compile a list of criminal history record information that meets the requirements of section  
33                  2402.

34                  **2. Sealing orders.** The Administrative Office of the Courts shall forward the list  
35                  compiled under subsection 1 to the court with jurisdiction over the underlying criminal  
36                  proceedings. The courts within that judicial district shall promptly issue sealing orders  
37                  based on the received list.

38                  **3. Notice to bureau.** Upon issuing a sealing order under subsection 2, the court shall  
39                  electronically transmit notice of the order to the bureau. Within 14 days of receipt, the  
40                  bureau shall update its records to reflect that the criminal history record information related  
41                  to the eligible criminal conviction is sealed and that its dissemination is governed by section  
42                  2265.

**4. Cooperation.** The Administrative Office of the Courts; Department of Public Safety, Bureau of State Police; Department of Corrections; judicial branch; and criminal justice agencies that collect, maintain or disseminate criminal history record information shall cooperate with the bureau and assist it with carrying out the purposes and duties of this section.

**§2404. Limited disclosure of sealed eligible criminal conviction**

A person whose eligible criminal conviction is the subject of a sealing order under section 2403 may respond to inquiries from persons other than criminal justice agencies and other entities that are authorized to obtain the sealed criminal history record information under section 2265 by not disclosing the existence of the eligible criminal conviction without being subject to any sanctions under the laws of this State. Other than when responding to criminal justice agencies or when under oath while being prosecuted for a subsequent crime, a person whose eligible criminal conviction is the subject of a sealing order does not violate Title 17-A, section 451, 452 or 453 by failing to disclose the eligible criminal conviction.

**§2405. Motion to seal criminal history record information**

This chapter may not be construed to prevent a person from filing a written motion seeking a court order to seal the person's criminal history record information relating to a specific criminal conviction in accordance with section 2263.

## SUMMARY

This bill establishes a system for automatically sealing criminal history record information associated with criminal convictions for certain crimes, provided that certain conditions are met. Automatic sealing refers to the process established by the bill by which criminal history record information related to qualifying convictions must be sealed and the dissemination of that information limited consistent with the requirements of the Maine Revised Statutes, Title 15, section 2265, without the need to file a petition to seal the information. Under the bill, the Administrative Office of the Courts must routinely examine electronic case records and compile a list of criminal history record information that qualifies for automatic sealing under this legislation and provide that list to the appropriate courts to issue a sealing order.

The bill provides a list of criminal convictions for which automatic sealing may be available. The underlying crimes include all Class E crimes except for sexual offenses; all Class D crimes except for certain crimes, such as certain violent crimes or certain offenses against a family member; certain Class D or Class E drug crimes committed prior to January 30, 2017; and other specified drug crimes.

The bill provides that for an eligible criminal conviction to be automatically sealed, 5 years must have passed since the date of conviction for a Class D or Class E crime. For a Class A, Class B or Class C crime, 10 years must have passed since the date of conviction and the person who is the subject of the criminal history record information must have completed the person's sentence, including any period of supervised release. The criminal history record information is not eligible for sealing if the person who is the subject of the criminal history record information has been convicted of any other crimes in the time elapsed since the person satisfied the sentencing requirements of the eligible criminal conviction.