

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1919

H.P. 1280

House of Representatives, May 6, 2025

**An Act to Expand the Types of Convictions Eligible for Sealing
Through a Post-judgment Motion 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2 **Sec. 1. 15 MRSA §2261, sub-§6**, as repealed and replaced by PL 2023, c. 639, §1,
3 is amended to read:

4 **6. Eligible criminal conviction.** "Eligible criminal conviction" means:

5 A. A conviction for a current or former Class E crime, except a conviction for a current
6 or former Class E crime under Title 17-A, chapter 11; ~~and~~

7 B. A conviction for a crime when the crime was committed prior to January 30, 2017
8 for:

9 (1) Aggravated trafficking, furnishing or cultivation of scheduled drugs under
10 Title 17-A, former section 1105 when the person was convicted of cultivating
11 scheduled drugs, the scheduled drug was marijuana and the crime committed was
12 a Class D crime;

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

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

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

19 (5) Unlawful possession of a scheduled drug under Title 17-A, former section
20 1107 when that drug was marijuana and the underlying crime was a Class D crime;

21 C. A conviction for unlawful possession of a scheduled drug under Title 17-A, section
22 1107-A or Title 17-A, former section 1107;

23 D. A conviction for a crime under Title 17-A, chapter 45, except for a conviction for
24 a Class A crime under Title 17-A, section 1105-A or a conviction for a crime that
25 involved the use of a firearm; and

26 E. A conviction for a current or former Class D crime, except:

27 (1) A conviction for a current or former Class D crime under Title 17-A, chapter
28 11 or 12;

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

32 (3) A conviction for a current or former Class D crime under Title 17-A, section
33 852, 853 or 855;

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

37 (5) A conviction for stalking under Title 17-A, section 210-A or 210-C;

38 (6) Unless a sentence has been commuted, any conviction involving a crime of
39 domestic violence or any crime involving domestic violence, as defined in section
40 1003, subsection 3-A;

(7) A violation of a protective order, as specified in section 321, subsection 6; Title 5, section 4659, subsection 2; Title 17-A, section 506-B; Title 19-A, former section 4011, subsection 3; Title 19-A, former section 4012, subsection 5; or Title 19-A, section 4113, subsection 1;

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

(9) A conviction for a crime against a family or household member, as defined in Title 19-A, section 4102, subsection 6 or Title 19-A, former section 4002, subsection 4, regardless of whether the relationship was an element of that crime, if 20 years have passed since the judgment of conviction was entered; or

(10) A conviction for the crime of violation of a condition of release, pursuant to section 1092, committed while the defendant is released on preconviction or post-conviction bail for a charge that involves a crime against a family or household member, as defined in Title 19-A, section 4102, subsection 6 or Title 19-A, former section 4002, subsection 4, regardless of whether the relationship was an element of that crime, if 20 years have passed since the judgment of conviction was entered.

Sec. 2. 15 MRSA §2262, first ¶, as amended by PL 2023, c. 409, §1, is further amended to read:

Except as provided in section 2262-A, criminal history record information relating to a one or more specific criminal ~~conviction~~ convictions may be sealed under this chapter only if:

Sec. 3. 15 MRSA §2262-A, first ¶, as enacted by PL 2023, c. 409, §2, is amended to read:

Criminal history record information relating to a one or more specific criminal ~~conviction~~ convictions for engaging in prostitution under Title 17-A, former section 853-A must be sealed under this chapter if:

Sec. 4. 15 MRSA §2263, as amended by PL 2023, c. 409, §3, is further amended to read:

§2263. Motion; persons who may file

A person may file a written motion seeking a court order sealing the person's criminal history record information relating to a one or more specific criminal ~~conviction~~ convictions in the underlying criminal proceeding based on a court determination that the person satisfies the statutory prerequisites specified in section 2262 or 2262-A. The written motion must briefly address each of the statutory prerequisites.

SUMMARY

This bill is reported out by the Joint Standing Committee on Judiciary to implement statutory changes recommended by the Criminal Records Review Committee established in Resolve 2023, chapter 103. The joint standing committee has not taken a position on the substance of this bill. By reporting this bill out, the joint standing committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of this bill; instead, the joint standing committee is reporting the bill out for the sole purpose of having a bill printed that can be referred to the joint standing committee for an appropriate

1 public hearing and subsequent processing in the normal course. The joint standing
2 committee is taking this action to ensure clarity and transparency in the legislative review
3 of the proposals contained in the bill.

4 This bill implements several recommendations of the Criminal Records Review
5 Committee. The bill amends the laws governing the filing of post-judgment motions to
6 seal criminal history information by:

7 1. Allowing the sealing of criminal history record information related to convictions
8 for unlawful possession of scheduled drugs, regardless of the class of the offenses;

9 2. Allowing the sealing of criminal history record information related to convictions
10 for any violation of the criminal laws governing drugs, except a conviction for the Class A
11 crime of aggravated trafficking or any conviction for a crime that involved the use of a
12 firearm;

13 3. Allowing the sealing of convictions for all current and former Class D crimes, except
14 specifically enumerated crimes involving violence; and

15 4. Clarifying that a person may file a motion to seal the criminal history record
16 information for more than one criminal conviction as long as the person satisfies the
17 statutory prerequisites for each conviction to be sealed.