

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 549

H.P. 368

House of Representatives, February 19, 2013

**An Act To Allow a Person Who Is 21 Years of Age or Older To
Expunge Certain Criminal Convictions**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WELSH of Rockport.
Cosponsored by Senator PLUMMER of Cumberland and
Representatives: LONG of Sherman, McCABE of Skowhegan, Senators: BOYLE of
Cumberland, SAVIELLO of Franklin.

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

2 **Sec. 1. 15 MRSA §2168** is enacted to read:

3 **§2168. Expungement of records**

4 **1. Expungement of records.** A record of a criminal conviction for a Class D or
5 Class E crime may be expunged for a person who is 21 years of age or older if the person
6 was between 18 and 20 years of age when committing the crime and the conviction is the
7 only criminal conviction of the person. To expunge a record of conviction under this
8 section, the person who was convicted must petition the Secretary of State. A petition
9 under this subsection must provide information necessary as determined by the Secretary
10 of State to assist the Secretary of State in informing the appropriate entities of the
11 expungement under subsection 3.

12 **2. Effect of expungement.** A record of a criminal conviction expunged under this
13 section is deemed to have never been entered and the person who was convicted is
14 deemed to never have been arrested or convicted of the crime for which the record of
15 conviction was expunged. Any civil right or privilege of the person who was convicted
16 that was lost or forfeited due to the underlying conviction of a record that has been
17 expunged must be restored. A person may not use information concerning an expunged
18 record of conviction in any manner to the detriment of the person who was convicted,
19 including:

20 A. Distributing or disseminating the record;

21 B. Impeaching any testimony of the person who was convicted; or

22 C. Considering the information or record regarding the person who was convicted
23 related to a credit application or report, employment or application for employment,
24 access to an educational program, a tenancy application, a real estate purchase, a
25 merchandise purchase or any licensing or regulatory matter.

26 **3. Responsibility to inform.** Upon receipt of a petition to expunge a record of a
27 criminal conviction that meets the requirements of subsection 1, the Secretary of State
28 shall promptly inform all law enforcement agencies, regulatory or licensing agencies,
29 correctional institutions, courts and any other entities and officers who were involved in
30 the original arrest and conviction underlying the record or are in possession of the record
31 of the requirement to expunge and the penalties for a violation under this section. A law
32 enforcement agency, regulatory or licensing agency, correctional institution, court or any
33 other entity or officer informed of the expungement of a record by the Secretary of State
34 under this section shall promptly expunge the record.

35 **4. Violation.** A violation of this section is a Class D crime.

36 **5. Rules.** The Secretary of State may adopt rules to carry out the purposes of this
37 section. Rules adopted pursuant to this subsection are routine technical rules pursuant to
38 Title 5, chapter 375, subchapter 2-A.

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SUMMARY

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This bill allows a person who is 21 years of age or older to petition the Secretary of

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State to expunge a criminal record of the person if the crime was committed when the

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person was between 18 and 20 years of age and it is the person's only criminal conviction.