

MAINE STATE LEGISLATURE

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SMC
4/2/18

Date: 3/19/2018 Minority

(Filing No. S-392)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

128TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 403, L.D. 1202, Bill, "An Act To Clear a Path to Employment"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 15 MRSA §2251, sub-§6, as enacted by PL 2015, c. 354, §1, is amended to read:

6. Eligible criminal conviction. "Eligible criminal conviction" means a conviction for a current or former Class D or Class E crime, except a conviction for a current or former Class D or Class E crime under Title 17-A, chapter 11.

Sec. 2. 15 MRSA §2252, sub-§2, as enacted by PL 2015, c. 354, §1, is repealed.

Sec. 3. 15 MRSA §2254, sub-§§1, 6 and 8, as enacted by PL 2015, c. 354, §1, are amended to read:

1. Filing motion. A motion filed pursuant to section 2253 must be filed in the underlying criminal proceeding. The person filing the motion must provide a copy of the motion to the prosecutorial office that represented the State in the underlying criminal proceeding and must certify in the motion that a copy of the motion has been provided to that prosecutorial office. After a motion has been filed, the clerk shall set the motion for hearing.

6. Notice to State Bureau of Identification. If the court determines pursuant to subsection 5 that a person has established by a preponderance of the evidence each of the statutory prerequisites specified in section 2252, a copy of the court's written order certifying its determination must be provided electronically to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The State Bureau of Identification upon receipt of the order shall promptly alter its records relating to the person's eligible criminal conviction to reflect that future dissemination of this criminal history record information must be pursuant to section 2255 rather than pursuant to Title 16, section 704. The State Bureau of Identification shall notify the person of compliance with that requirement.

COMMITTEE AMENDMENT

1 has fully satisfied each of the sentencing alternatives imposed for the eligible criminal
2 conviction.

3 2. It allows dissemination of criminal history record information to a public or
4 private entity to which a person who is the subject of a criminal conviction has applied
5 for licensure or employment when applicable federal or state law, rule or regulation
6 requires that entity to perform a fingerprint-based state or national criminal history record
7 check of the person prior to licensing or employing the person.

8 3. It repeals the existing statutory repeal date of October 1, 2019 for the Maine
9 Revised Statutes, Title 15, chapter 310.

FISCAL NOTE REQUIRED
(See attached)



128th MAINE LEGISLATURE

LD 1202

LR 347(02)

An Act To Clear a Path to Employment

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-392)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Highway Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new motions likely to be filed in the court system can be absorbed within existing budgeted resources.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with this legislation can be absorbed within existing budgeted resources.