

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1210

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H.P. 885

House of Representatives, March 24, 2021

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**An Act To Remove Barriers to Employment by Sealing the Records  
of Persons Convicted of Certain Nonviolent Crimes**

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Received by the Clerk of the House on March 22, 2021. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTEAU of Augusta.  
Cosponsored by Representatives: FAULKINGHAM of Winter Harbor, MORALES of South  
Portland, PICKETT of Dixfield, WARREN of Hallowell, Senator: POULIOT of Kennebec.

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

2 **Sec. 1. 16 MRSA §703, sub-§2, ¶K**, as enacted by PL 2013, c. 267, Pt. A, §2, is  
3 amended to read:

4 K. Information disclosing that a criminal proceeding has been terminated because the  
5 court lacked jurisdiction over the defendant; ~~and~~

6 **Sec. 2. 16 MRSA §703, sub-§2, ¶L**, as amended by PL 2017, c. 432, Pt. B, §1, is  
7 further amended to read:

8 L. Information disclosing that a person has petitioned for and been granted a full and  
9 free pardon; ~~and~~

10 **Sec. 3. 16 MRSA §703, sub-§2, ¶M** is enacted to read:

11 M. Information disclosing a criminal conviction record ordered sealed under section  
12 711.

13 **Sec. 4. 16 MRSA §711** is enacted to read:

14 **§711. Sealing of records of nonviolent crimes**

15 **1. Class E, D and C crimes.** A person convicted of a Class E, Class D or Class C  
16 crime may petition the court in which the conviction was recorded to seal the record of the  
17 conviction after a period of 5 years from the completion of the sentence. The court shall  
18 order all records of the conviction sealed if:

19 A. The defendant has not been convicted of a crime in this State or any other  
20 jurisdiction since the conviction subject to the petition and has no formal charging  
21 instrument for a crime pending in this State or any other jurisdiction; and

22 B. The crime is not a crime:

23 (1) Under Title 17-A, chapter 11, 12, 25 or 35;

24 (2) That involved violence or domestic violence; or

25 (3) That had as an element of the offense a victim who was 17 years of age or  
26 younger or a victim who was 65 years of age or older.

27 **2. State Bureau of Identification.** Following receipt of a court order to seal a  
28 conviction record under subsection 1, the Department of Public Safety, Bureau of State  
29 Police, State Bureau of Identification shall make the record a confidential criminal history  
30 record and make the necessary arrangements with the identification division of the Federal  
31 Bureau of Investigation to have all references to the sealed crime deleted from the Federal  
32 Bureau of Investigation's identification record and any state materials returned to the  
33 contributing agency.

34 **SUMMARY**

35 This bill allows a person convicted of a Class E, Class D or Class C crime to petition  
36 the court where the person was convicted to seal all records of the crime 5 years after the  
37 completion of the person's sentence by making the record a confidential criminal history  
38 record. Sealing a record is not available for persons who have subsequent convictions or  
39 pending criminal charges; for crimes involving bribery, corruption, violence or sex

1 offenses; or for crimes that had as an element of the offense victims who were minors or  
2 were 65 years of age or older.