

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1622

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H.P. 1047

House of Representatives, April 12, 2023

### Resolve, to Reestablish the Criminal Records Review Committee

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Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Speaker TALBOT ROSS of Portland.  
Cosponsored by Senator CARNEY of Cumberland and  
Representatives: BOYER of Poland, MOONEN of Portland, SALISBURY of Westbrook,  
Senators: BAILEY of York, BEEBE-CENTER of Knox, BENNETT of Oxford.

1           **Sec. 1. Review committee established. Resolved:** That the Criminal Records  
2 Review Committee, referred to in this resolve as "the review committee," is established.

3           **Sec. 2. Review committee membership. Resolved:** That, notwithstanding Joint  
4 Rule 353, the review committee consists of the following members:

5           1. Two members of the Senate, appointed by the President of the Senate, including  
6 one member from each of the 2 parties holding the largest number of seats in the  
7 Legislature;

8           2. Two members of the House of Representatives, appointed by the Speaker of the  
9 House of Representatives, including one member from each of the 2 parties holding the  
10 largest number of seats in the Legislature;

11           3. The Attorney General or the Attorney General's designee;

12           4. The Commissioner of Health and Human Services or the commissioner's designee;

13           5. The Commissioner of Public Safety or the commissioner's designee;

14           6. The Commissioner of Corrections or the commissioner's designee;

15           7. The President of the Maine Prosecutors Association or the president's designee;

16           8. The President of the Maine Association of Criminal Defense Lawyers or the  
17 president's designee;

18           9. The President of the Maine Sheriffs' Association or the president's designee;

19           10. The President of the Maine Chiefs of Police Association or the president's  
20 designee;

21           11. The chair of the Right To Know Advisory Committee or the chair's designee;

22           12. A representative of a civil rights organization whose primary mission includes the  
23 advancement of racial justice, appointed by the President of the Senate;

24           13. A representative of an organization that provides legal assistance on immigration,  
25 appointed by the President of the Senate;

26           14. A representative of an organization whose primary mission is to address issues  
27 related to poverty, appointed by the President of the Senate;

28           15. A representative of a statewide nonprofit organization whose mission includes  
29 advocating for victims and survivors of domestic violence, appointed by the President of  
30 the Senate;

31           16. A representative of a substance use disorder treatment or recovery community,  
32 appointed by the President of the Senate;

33           17. A representative of an adult and juvenile prisoners' rights organization, appointed  
34 by the President of the Senate;

35           18. A representative of newspaper and other press interests, appointed by the President  
36 of the Senate;

37           19. A representative of broadcasting interests, appointed by the Speaker of the House  
38 of Representatives;

1           20. A representative of a statewide nonprofit organization whose mission includes  
2 advocating for victims and survivors of sexual assault, appointed by the Speaker of the  
3 House of Representatives;

4           21. A representative of an organization that provides free civil legal assistance to  
5 citizens of the State with low incomes, appointed by the Speaker of the House of  
6 Representatives;

7           22. A representative of a mental health advocacy organization, appointed by the  
8 Speaker of the House of Representatives;

9           23. A representative of a civil liberties organization whose primary mission is the  
10 protection of civil liberties, appointed by the Speaker of the House of Representatives;

11          24. A representative of a nonprofit organization whose primary mission is to advocate  
12 for victims and survivors of sexual exploitation and sex trafficking, appointed by the  
13 Speaker of the House of Representatives;

14          25. A representative of an organization involved in advocating for juvenile justice  
15 reform, appointed by the Speaker of the House of Representatives; and

16          26. A representative of a public records access advocacy organization, appointed by  
17 the Speaker of the House of Representatives.

18          The review committee shall invite the Chief Justice of the Supreme Judicial Court to  
19 designate a member of the judicial branch to serve as a member of the committee.

20          **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair  
21 and the first-named House of Representatives member is the House chair of the review  
22 committee.

23          **Sec. 4. Appointments; convening of review committee. Resolved:** That all  
24 appointments must be made no later than 30 days following the effective date of this  
25 resolve. The appointing authorities shall notify the Executive Director of the Legislative  
26 Council once all appointments have been completed. After appointment of all members,  
27 the chairs shall call and convene the first meeting of the review committee. If 30 days or  
28 more after the effective date of this resolve a majority of but not all appointments have  
29 been made, the chairs may request authority and the Legislative Council may grant  
30 authority for the review committee to meet and conduct its business.

31          **Sec. 5. Duties. Resolved:** That the review committee shall:

32           1. Review activities in other states that address the expungement, sealing, vacating of  
33 and otherwise limiting public access to criminal records;

34           2. Consider so-called clean slate legislation options;

35           3. Consider whether the following convictions should be subject to different treatment:

36           A. Convictions for conduct that has been decriminalized in this State over the last 10  
37 years and conduct that is currently under consideration for decriminalization; and

38           B. Convictions for conduct that was committed by victims and survivors of sexual  
39 exploitation and sex trafficking;

40           4. Consider whether there is a time limit after which some or all criminal records  
41 should not be publicly available;

