

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2022

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## JOINT STANDING COMMITTEE ON JUDICIARY

This drinking water-related jurisdiction of the United States Environmental Protection Agency and of the Passamaquoddy Tribe does not extend beyond the Passamaquoddy Indian territory.

### **LD 913 An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 644 limits the public accessibility of certain court records that are part of eviction actions brought pursuant to the Maine Revised Statutes, Title 14, section 6001 and small claims actions brought pursuant to Title 14, section 7481. It provides that the records are available only at the courthouse, and not online, if the eviction action or small claims action is dismissed, is resolved in favor of the defendant, more than three years have elapsed since the judgment was entered or the parties agree that the records should be accessible by the public only at the courthouse.

### **LD 1310 An Act Regarding a Post-judgment Motion To Seal the Criminal History Record Information for Certain Criminal Convictions**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 674 reestablishes a special statutory process to seal certain criminal records that was originally created by Public Law 2015, chapter 354 that was repealed by its own terms on October 1, 2019. Chapter 674 uses the same process to seal criminal records of an eligible criminal conviction as in the repealed law but expands the eligibility for record sealing by increasing the maximum age at which the crime was committed.

“Eligible criminal conviction” includes all current and former Class E crimes except for sexual assault crimes contained in the Maine Revised Statutes, Title 17-A, chapter 11. A person with an eligible criminal conviction may file a motion to seal the criminal history record information for the eligible criminal conviction if at least four years have passed since the person fully satisfied each of the sentencing alternatives imposed for the conviction; the person has not been convicted of another crime in this State and has not had a criminal charge dismissed as a result of a deferred disposition since satisfying the sentencing alternatives; the person has not been convicted of a crime in another jurisdiction since satisfying the sentencing alternatives; the person does not have any presently pending criminal charges in this State or in another jurisdiction; and the person was at least 18 years of age but less than 28 years of age at the time of the commission of the underlying crime.

The court must hold a hearing on the motion and, if the court determines all the requirements have been met, the court must issue an order sealing the criminal history record information. Notice of the order must be provided to the person, the prosecutorial office that prosecuted the person and the Department of Public Safety, Bureau of State Police, State Bureau of Identification, which must promptly amend its records relating to the sealed criminal history record information.

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If the person is convicted of a crime after the court's order, the person's criminal history record information must be unsealed. The person is required to notify the court of the new conviction, but if the person does not do so, the court must notify the person of the new conviction and offer the person an opportunity to request a hearing to contest the fact of the new conviction. If the court determines that there is a new criminal conviction or if the person fails to request a hearing, the court must issue an order unsealing the person's criminal history record information and notify the State Bureau of Identification.

When a person's criminal history record information related to the eligible conviction is sealed, the sealed criminal history record information must be treated as confidential criminal history record information and may not be disseminated by a criminal justice agency, whether directly or through any intermediary, except as provided in Title 16, section 705. A criminal justice agency may also disseminate information to the person; a criminal justice agency for the administration of criminal justice; the Secretary of State to ensure compliance with motor vehicle laws; victims; certain professional licensing agencies; financial institutions that are required to conduct criminal history record checks; and others required to conduct fingerprint-based background checks. Dissemination of sealed criminal history record information to a criminal justice agency for the purpose of the administration of criminal justice includes dissemination and use of the criminal history record information relating to the criminal history record information by an attorney for the State or for another jurisdiction as part of a prosecution of the person for a new crime, including use in a charging instrument or other public court document and in open court. Dissemination of sealed criminal history record information to a criminal justice agency for the purpose of the administration of criminal justice also includes dissemination and use of the criminal history record information as permitted by the Maine Rules of Evidence and as required by discovery requirements of the Maine Rules of Civil Procedure and the Maine Rules of Unified Criminal Procedure.

A person whose criminal conviction is sealed may respond to inquiries, other than from criminal justice agencies and those authorized to obtain the sealed criminal history record information, by not disclosing the existence of the sealed criminal history record information without being subject to any state sanctions. Not disclosing the existence of the sealed criminal history record information is not perjury, false swearing or unsworn falsification except if not disclosed to a criminal justice agency or those authorized to obtain the sealed record.

Public law 2021, chapter 674 provides that the restrictions on the dissemination of records under Title 15, former chapter 310 under orders issued before October 1, 2019 continue to apply to the relevant criminal history records and that the process for unsealing a record based on a subsequent criminal conviction created in this legislation applies when a person for whom the dissemination of the record was restricted under former chapter 310 is subsequently convicted of a crime.

A person who intentionally disseminates criminal history record information that has been sealed under this legislation in violation of the confidentiality provisions of this legislation, knowing it to be in violation, is guilty of the Class E crime unlawful dissemination as provided in Title 16, section 707.