

Legislative Document 1646: Automatic Expungement of Cannabis Possession



Prepared for: Chair Anne Carney
Maine Committee on Judiciary

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Dear Chair Carney and members of the committee:

Thank you for the opportunity to submit a comment for your review. The cultivation, manufacture, distribution, sale, and possession of cannabis for adult use is legal in Maine. Yet, many people are still suffering the consequences of cannabis prohibition. Legislative Document 1646 would help mitigate past harms of prohibition by expunging criminal records related to cannabis possession and ending incarceration for possession-related offenses.

While there may sometimes be a public safety interest in maintaining records of arrests, convictions, and adjudications, a one-size-fits-all approach of lifelong criminal records simply doesn't make sense. There is no evidence that people convicted solely for cannabis possession pose a credible threat to public safety.

People with criminal records face significant difficulty engaging in productive activities like finding a job, securing housing, obtaining occupational licenses, joining the military, gaining admission to universities, accessing financial services, and maintaining child custody. For example, more than [90% of employers](#) nationwide conduct background checks on job applicants. [Research](#) finds that job applicants with felony conviction records are approximately 60% less likely to receive a callback for an interview.

Criminal records related to cannabis possession make it more difficult for people to remain productive members of society. Thus, expungement policies can help promote justice while contributing to public safety. At least [21 other states and Washington, D.C.](#) have already adopted reforms that facilitate the expungement or sealing of cannabis-related criminal records.

In nine states, D.C., and the U.S. Virgin Islands, the expungement process is automatic, meaning eligible individuals need not bear the time or expense of hiring counsel to apply to courts for an expungement. This is the gold standard for expungement provisions because evidence demonstrates that an application process can be a high barrier that only a [small minority](#) of eligible individuals will overcome. Legislative Document 1646 would vacate all arrests, convictions, and adjudications for cannabis possession and require automatic expungement of all records by January 1, 2025. Before that date, eligible individuals would be able to apply to have their records expunged at no direct cost. This policy would be among the best in the nation for achieving restorative justice to victims of [arbitrary government action during the drug war](#).

Thank you for your time and consideration.

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