

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1113

H.P. 817

House of Representatives, March 5, 2019

**An Act To Change Procedures of the Governor's Board on
Executive Clemency and To Seal Marijuana Convictions**

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 Representative FECTEAU of Augusta.
Cosponsored by Representatives: ANDREWS of Paris, FAULKINGHAM of Winter Harbor,
FOLEY of Biddeford, O'NEIL of Saco, STROM of Pittsfield, TALBOT ROSS of Portland,
Senator: MILLETT of Cumberland.

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

2 **PART A**

3 **Sec. A-1. 15 MRSA §2168** is enacted to read:

4 **§2168. Executive clemency board**

5 **1. Hearing.** A board, commission or panel established to provide a recommendation
6 to the Governor concerning a pardon, clemency or commutation of a sentence shall grant
7 a hearing to a petitioner who has been convicted of a nonviolent crime and, in considering
8 a recommendation, shall review whether the petitioner:

9 A. Has engaged in or been convicted of any criminal activity for a period of 5 years
10 prior to the petition;

11 B. Is a productive member of society by being employed or trying to advance the
12 petitioner's position of employment;

13 C. Has been active in the community by serving on a municipal organization or
14 board;

15 D. Has served in the Armed Forces of the United States in a regular or reserve
16 capacity or in the National Guard; and

17 E. Has volunteered or worked for a nonprofit or religious organization.

18 **2. Denial; appeal.** If a board, commission or panel established to provide a
19 recommendation to the Governor concerning a pardon, clemency or commutation of a
20 sentence recommends denial of a petition under subsection 1, within 90 days after the
21 recommendation the petitioner may appeal the recommendation to the Secretary of State,
22 who shall confirm or overrule the recommendation and forward that decision to the
23 Governor.

24 **PART B**

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

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

29 **Sec. B-2. 16 MRSA §703, sub-§2, ¶L,** as amended by PL 2017, c. 432, Pt. B,
30 §1, is further amended to read:

31 L. Information disclosing that a person has petitioned for and been granted a full and
32 free pardon-; and

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

34 M. Information disclosing a conviction for a current or former crime or civil
35 violation that consisted of conduct that is authorized under Title 28-B, chapter 3.

1 **SUMMARY**

2 This bill requires a board, commission or panel established to provide the Governor a
3 recommendation on a pardon, clemency or commutation of a sentence to grant a hearing
4 to a petitioner who has been convicted of a nonviolent crime and to consider certain
5 personal criteria of the petitioner and allows an appeal of a recommendation of denial to
6 the Secretary of State.

7 This bill also seals criminal history record information regarding convictions for
8 crimes and civil violations relating to personal adult use of marijuana by making the
9 information confidential.