

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1374

H. P. 942

House of Representatives, March 7, 1967

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Berman of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Creating the Uniform Act on Status of Convicted Persons.

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

R. S., T. 15, c. 308, additional. Title 15 of the Revised Statutes is amended by adding a new chapter 308, to read as follows:

CHAPTER 308

UNIFORM ACT ON STATUS OF CONVICTED PERSONS

§ 2171. Definition

In this chapter, "felony" means:

1. Laws of this State. A crime committed against the laws of this State or of the Federal Government for which a sentence of imprisonment in a prison or penitentiary is imposed; or

2. Laws of another state. A crime committed against the laws of another state for which a sentence of death or imprisonment in a prison or penitentiary is imposed, if the act would permit a sentence of imprisonment in a prison or penitentiary in this State had it been committed in this State.

§ 2172. Rights lost

1. Prohibitions. A person sentenced for a felony, from the time of his sentence until his final discharge, may not:

A. Vote in an election, but if execution of sentence is suspended with or without the defendant being placed on probation or he is paroled after com-

mitment to imprisonment, he may vote during the period of the suspension or parole; or

B. Become a candidate for or hold public office.

2. Public office. A public office held at the time of sentence is forfeited as of the date of the sentence if the sentence is in this State, or, if the sentence is in another state or in a federal court, as of the date a certification of the sentence from the sentencing court is filed in the office of Secretary of State who shall receive and file it as a public document. An appeal or other proceeding taken to set aside or otherwise nullify the conviction or sentence does not affect the application of this section, but if the conviction is reversed the defendant shall be restored to any public office forfeited under this chapter from the time of the reversal and shall be entitled to the emoluments thereof from the time of the forfeiture.

§ 2173. Rights retained by convicted person

Except as otherwise provided by this chapter or by the Constitution of this State, a person convicted of a crime does not suffer civil death or corruption of blood or sustain loss of civil rights or forfeiture of estate or property, but retains all of his rights, political, personal, civil and otherwise, including the right to hold public office or employment, to vote, to hold, receive and transfer property, to enter into contracts, to sue and be sued, and to hold offices of private trust in accordance with law.

§ 2174. Savings provisions

This chapter does not affect the power of a court, otherwise given by law to impose sentence or to suspend imposition or execution of sentence on any conditions, or to impose conditions of probation, or the power of the State Probation and Parole Board to impose conditions of parole.

This chapter does not deprive or restrict the authority and powers of officials of a penal institution or other penal facility, otherwise provided by law, for the administration of the institution or facility or for the control of the conduct and conditions of confinement of a convicted person in their custody.

This chapter does not affect the qualifications or disqualifications otherwise required or imposed by law for a designated office, public or private, or to serve as a juror or to vote or for any designated profession, trust or position, or for any designated license or privilege conferred by public authority.

This chapter does not affect the rights of others arising out of the conviction or out of the conduct on which the conviction is based and not dependent upon the doctrines of civil death, the loss of civil rights, the forfeiture of estate or corruption of blood.

This chapter does not affect laws governing rights of inheritance of a murderer from his victim.

§ 2175. Certificate of discharge

If the sentence was in this State, the order, certificate or other instrument of discharge, given to a person sentenced for a felony upon his discharge after

completion of service of his sentence or after service under probation or parole, shall state that the defendant's rights to vote and to hold any future public office, of which he was deprived by this chapter, are thereby restored and that he suffers no other disability by virtue of his conviction and sentence except as otherwise provided by this chapter. A copy of the order or other instrument of discharge shall be filed with the clerk of the court of conviction.

If the sentence was in another state or in a federal court and the convicted person has similarly been discharged by the appropriate authorities, the Commissioner of Mental Health and Corrections of this State, upon application and proof of the discharge in such form as the Commissioner of Mental Health and Corrections may require, shall issue a certificate stating that such rights have been restored to him under the laws of this State.

If another state having a similar Act issues its certificate of discharge to a convicted person stating that the defendant's rights have been restored, the rights of which he was deprived in this State under this chapter are restored to him in this State.

§ 2176. Uniformity of interpretation

This chapter shall be so construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

§ 2177. Short title

This chapter may be cited as the Uniform Act on Status of Convicted Persons.

§ 2178. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, the provisions of the chapter are severable.