

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2169

H. P. 1725

House of Representatives, January 2, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mrs. White of Guilford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Nullification of Criminal Records.

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

Sec. 1. R. S., T. 15, § 2161-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 2161-A, to read as follows:

§ 2161-A. Expungement of records

Any person convicted of a violation of any law of the State of Maine, who following such conviction received any form of sentence, and who later appealed to and was granted by the Governor and Executive Council a full pardon, shall be entitled to expungement of any records or recordings of such conviction.

1. Effect. The effect of expungement of criminal records of pardoned persons as outlined in this section shall be the following:

A. Distribution. To prohibit the use, distribution or dissemination of any record so expunged;

B. Civil rights. To restore to such persons all civil rights or privileges lost or forfeited as a result of any conviction, the records with respect to which have been expunged;

C. Use. To prohibit the use of any such record for purposes of impeaching the testimony of any person with respect to whom such order was issued in any civil or other action;

D. Inquiry. To prohibit the use, dissemination or distribution of any such record so expunged in connection with an inquiry related to credit purchases of a home or access to educational programs.

2. Responsibility to inform. It is the responsibility of the Secretary of State to notify all law enforcement agencies, correctional institutions and courts of the expungement of such records following the granting of a full pardon. Any person whose records have been expunged through the granting of a full pardon shall present to the Secretary of State, in addition to the above, a list of all persons, offices, agencies and other entities which such person has reason to believe have records or copies thereof under their jurisdiction or control. The Secretary of State shall inform said parties of the official expungement of such records and shall inform said parties of the penalty provisions of this section.

3. Penalty. Any officer or employee of the State of Maine who, after receiving notice that a full pardon has been granted, releases or otherwise disseminates or makes available for any purpose involving employment, bonding or licensing in connection with any business, trade or profession, or for the purposes of credit applications, the purchase of a home or application to any educational program, to any individual, corporation, firm, partnership, institution or entity, or to any department, agency or other instrumentality of the State Government, or any political subdivision thereof, any information or other data concerning any arrest, indictment, trial, hearing, conviction or correctional supervision, the records with respect to which were expunged, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both.

STATEMENT OF FACT

This Act defines procedures to be followed concerning the control of records of pardoned persons. Under the present statute, a pardoned person may not be able to receive the full benefit of his pardon because of continued retention and use of records of conviction by public and private agencies. This bill establishes reasonable procedures for the use and control of such records.