

MAINE STATE LEGISLATURE

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New Draft of: H. P. 1725, L. D. 2169
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2491

H. P. 1956 House of Representatives, February 7, 1974
Reported by Majority from the Committee on Judiciary and printed under
Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

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:

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 and who later appealed to and was granted a full pardon by the Governor and Executive Council, shall be entitled to expungement of any records or recordings of such conviction.

The granting of a full pardon shall mean that the person shall, for all purposes, be considered as never having been arrested or convicted for the offense for which such pardon is granted. No person, firm, corporation or employer shall use information concerning an offense for which a pardon has been granted in any manner to the detriment of the person pardoned.

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 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 or access to educational programs.

2. Responsibility to inform. It is the responsibility of the Secretary of State to notify all law enforcement agencies, regulatory or licensing agencies, correctional institutions, courts and any other offices or officers known to have been involved in the original arrest and conviction or to have a record thereof, of the requirement to expunge such records following the granting of a full pardon. Any person granted a full pardon shall present, within 5 days of the effective date of the pardon, to the Secretary of State a list of all persons, offices, agencies and other entities which such person has reason to believe have records of the arrest or conviction for which pardoned, under their jurisdiction or control and the Secretary of State shall inform said parties of the full pardon being granted and the requirement to expunge their records, and shall inform all parties notified of the penalty provisions of this section.

3. Penalty. It shall be unlawful for any officer or employee of any agency, department, court or other entity who, after receiving notice that a full pardon has been granted, to release, otherwise disseminate or make available for any purpose involving employment, bonding or licensing in connection with any business, trade or profession, or for the purposes of credit applications 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 required to be expunged by this section. Any person who shall willfully violate a provision of this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, 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.