

MAINE STATE LEGISLATURE

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New Draft of: H. P. 1734, L. D. 2180
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2492

H. P. 1957 House of Representatives, February 7, 1974
Reported by Report A 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 the Expunging of Certain Records of Arrest.

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

R. S., T. 16, § 600, repealed and replaced. Section 600 of Title 16 of the Revised Statutes, as enacted by chapter 460 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 600. Expungement of records of arrest

Any person having been acquitted of a crime in any court or having had a complaint, information or indictment against him dismissed by any court shall be entitled to expungement of any records or recordings of any arrest and detention in connection with such charge, complaint, information or indictment.

The granting of an acquittal of a crime or the dismissal of a complaint, information or indictment shall mean that the person shall, for all purposes, be considered as never having been arrested for such charge or crime. No person, firm, corporation or employer shall use information concerning an offense for which an acquittal or dismissal has been granted in any manner to the detriment of the person who is acquitted or against whom charges have been dismissed.

1. **Effect.** The effect of expungement of criminal records 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 arrest or detention, 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 clerk of the court, where such dismissal or acquittal occurs, 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 or to have a record thereof, of the requirement to expunge such records following such acquittal or dismissal. Any person granted a dismissal or acquittal by a court shall present, within 5 days of the effective date of the acquittal or dismissal, to the clerk of that court, a list of all persons, offices, agencies and other entities which such person has reason to believe have records of such arrest under their jurisdiction or control and the clerk shall inform said parties of the acquittal or dismissal 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 an acquittal or dismissal 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 \$1000 or by imprisonment for not more than 11 months, or by both.