

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-693)

HOUSE AMENDMENT "D" to S.P. 113, L.D. 314, Bill, "AN
ACT Creating the Maine Criminal Code."

Amend said Bill in section 1 in that part designated
"§1107." in subsection 2 by adding a new paragraph C to read:

'C. A Class D crime if the drug is marijuana except
that a person convicted of such crime shall only be
subject to the penalties provided in section 1301.'

Further amend said Bill in section 1 by inserting after
that part designated "§1107." the following:

'§1107-A. Expungement of records

Any person convicted of possession of marijuana under
the provisions of section 1107 shall, upon the expiration of
one year from the date of said conviction, be entitled to
expungement of any records or recordings of such conviction.

1. Responsibility to inform. It is the responsibility
of the clerk of the court, where such conviction 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. Any person having been convicted of possession of
marijuana shall present, within 5 days of the date when said
conviction becomes one year old, to the clerk of that court,
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 requirement to expunge their records and shall inform all parties notified of the penalty provisions of this section.

2. Penalty. It shall be unlawful for any officer or employee of any agency, department, court or other entity who, after receiving notice of expungement, 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.'

Further amend said Bill in section 1 in that part designated "§1114." in the 2nd and 3rd lines (same in L.D.) by striking out the underlined punctuation and words ", the unauthorized possession of which constitutes a civil violation under Title 22,"

Further amend said Bill in section 1 in that part designated "\$1114." by striking out all of the Comment.

Statement of Fact

The purposes of this amendment are to provide a criminal penalty for the possession of marijuana of a fine not to exceed \$500 and to further provide that one year after a conviction for possession of marijuana, a person so convicted would be entitled to have all records and recordings of such conviction expunged.

Filed by Mr. Carpenter of Houlton.

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