

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 SEVENTH LEGISLATURE

Legislative Document

No. 953

H. P. 782

House of Representatives, March 6, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Ingegneri of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Expungement of Records of Arrest.

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

Sec. 1. 16 MRSA § 600, first and 2nd ¶¶, as last repealed and replaced by PL 1973, c. 706, are amended to read:

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 **over his objections** 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 **over the objection of a defendant** 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.

Sec. 2. 16 MRSA § 600, sub-§ 2, first sentence, as enacted by PL 1973, c. 706, is amended to read:

It is the responsibility of the clerk of the court, where such dismissal or acquittal occurs, **upon a written request of a defendant**, 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.

STATEMENT OF FACT

The cost of implementing the expungement of records law, as enacted, is prohibitive. This bill, if passed, would reduce the cost to the District Courts substantially.