

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)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2111

6
7 H.P. 1498

House of Representatives, March 3, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Bott of Orono.

11 Cosponsored by Senator Trafton of Androscoggin and Representative Stetson
of Damariscotta.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Concerning Expungement of Certain
18 Criminal Records.
19

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

22 14 MRSA c. 745 is enacted to read:

23 CHAPTER 745

24 EXPUNGEMENT

25 §8401. Favorable termination of criminal action

26 For the purposes of this chapter, a criminal ac-
27 tion or proceeding against a person is considered
28 terminated in favor of that person if:

29 1. Prior of filing of criminal complaint; deci-
30 sion not to proceed. Following the arrest of the
31 person and prior to the filing of a criminal com-
32 plaint, the arresting agency or prosecutor elects not

1 to proceed any further or elects to charge that per-
2 son with a noncriminal violation or infraction;

3 2. Dismissal. All criminal charges against the
4 person are dismissed;

5 3. Acquittal. The person is acquitted of all
6 criminal charges and the State elects not to appeal
7 or, in the case where an appeal is taken, the State
8 does not prevail in the appeal and no new trial is
9 ordered;

10 4. Verdict set aside. An order is entered set-
11 ting aside a verdict of guilty of all criminal
12 charges and the State elects not to appeal the order
13 or, in the case where an appeal is taken, the State
14 does not prevail in the appeal and no new trial is
15 ordered; or

16 5. Judgment vacated. An order is entered vacat-
17 ing a judgment of guilty on all criminal charges and
18 the State elects not to appeal the order or, in the
19 case where an appeal is taken, the State does not
20 prevail in the appeal and no new trial is ordered.

21 §8402. Civil action for expungement

22 1. Action. A person in whose favor a criminal
23 action or proceeding was terminated may institute a
24 civil action in Superior Court for expungement of
25 records pertaining to that action or proceeding. The
26 person bringing the action has the burden of proving
27 by a preponderance of the evidence that he did not
28 commit any criminal acts which gave rise to the crim-
29 inal action or proceeding.

30 2. Expungement. If the person bringing the ac-
31 tion prevails in such an action and there is no ap-
32 peal from that judgment or, if there is an appeal,
33 that person prevails on appeal, the court shall order
34 expungement as follows.

35 A. Any state, county or municipal law enforce-
36 ment agency having in its possession any photo-
37 graph, photographic plate or proof, any finger-
38 prints or any duplicates or copies of any of
39 these, shall return them to that person.

