

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1441

H.P. 992

House of Representatives, April 8, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RICHARDS of Hampden.
Cosponsored by Senator HOLLOWAY of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Ensure State Recognition of the Rights of Victims of Crime.**



2 Constitutional amendment. RESOLVED: Two thirds of each
3 branch of the Legislature concurring, that the following
4 amendment to the Constitution of Maine be proposed:

6 Constitution, Art. I, §25 is enacted to read:

8 Section 25. Victims' rights. Victims of crime or their
9 representatives, including the next of kin of homicide victims,
10 have the right to be treated with fairness and respect for their
11 dignity and privacy throughout the criminal justice process.
12 They have the right to information about the bail, plea
13 negotiation, conviction, sentence, imprisonment and release of
14 the accused. They have the right to be informed, to be present
15 and to be heard at all stages of the criminal justice proceeding
16 at which the accused has such rights, subject to the same rules
17 of evidence that govern the rights of the accused.

18 ; and be it further

20 **Constitutional referendum procedure; form of question; effective**
21 **date. Resolved:** That the municipal officers of this State shall
22 notify the inhabitants of their respective cities, towns and
23 plantations to meet, in the manner prescribed by law for holding
24 a statewide election, at a statewide election, on the Tuesday
25 following the first Monday of November following the passage of
26 this resolution, to vote upon the ratification of the amendment
27 proposed in this resolution by voting upon the following question:

30 "Shall the Constitution of Maine be amended as proposed by a
31 resolution of the Legislature to ensure that the rights of
32 the victims of crime are recognized and protected?"

34 The legal voters of each city, town and plantation shall
35 vote by ballot on this question, and shall designate their choice
36 by a cross or check mark placed within the corresponding square
37 below the word "Yes" or "No." The ballots must be received,
38 sorted, counted and declared in open ward, town and plantation
39 meetings and returns made to the Secretary of State in the same
40 manner as votes for members of the Legislature. The Governor
41 shall review the returns and, if it appears that a majority of
42 the legal votes are cast in favor of the amendment, the Governor
43 shall proclaim that fact without delay and the amendment becomes
44 part of the Constitution on the date of the proclamation; and be
45 it further

46 **Secretary of State shall prepare ballots. Resolved:** That the
47 Secretary of State shall prepare and furnish to each city, town
48 and plantation all ballots, returns and copies of this resolution
49 necessary to carry out the purposes of this referendum.

STATEMENT OF FACT

2

4

6

This resolution makes it clear that a victim of a crime is to be afforded certain rights and that those rights are as important as the rights of a person accused or convicted of the crime perpetrated on that victim.