## MAINE STATE LEGISLATURE

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## 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 1149

S.P. 476

In Senate, March 13, 2023

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Strengthen the Due Process Rights of Persons Accused by Requiring Notification of Those Rights

Reference to the Committee on Judiciary suggested and ordered printed.

DAREK M. GRANT Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Representative LEE of Auburn and

Senators: BAILEY of York, BRAKEY of Androscoggin, CARNEY of Cumberland, DUSON of Cumberland, Representatives: BOYER of Poland, HASENFUS of Readfield, MOONEN of Portland, POIRIER of Skowhegan.

Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed: Constitution, Art. I, §6 is amended to read: Section 6. Rights of persons accused. In all criminal prosecutions, the accused shall have a right to be heard by the accused and counsel to the accused, or either, at the election of the accused: To demand the nature and cause of the accusation, and have a copy thereof; To be confronted by the witnesses against the accused; To have compulsory process for obtaining witnesses in favor of the accused;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgement of that person's peers or the law of the land.

The accused has a right to be notified of the rights described by this section before a

**Resolved:** That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to establish an accused person's right to be notified of the person's rights before a custodial interrogation in a criminal investigation?"

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

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

37 SUMMARY

custodial interrogation.

This resolution proposes to amend the Constitution of Maine to establish an accused person's right to be notified of the person's rights before a custodial interrogation in a criminal investigation.