

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1536

S.P. 609

In Senate, April 5, 2023

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Amend the Governor's Power to Reprieve, Pardon and
Commute Sentences and Remit Penalties**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

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

4 **Constitution, Art. V, Pt. First, §11** is repealed and the following enacted in its
5 place:

6 **Section 11. Power to remit fines and forfeitures and grant reprieves,**
7 **commutations of sentences and pardons; board of pardons; report by**
8 **Governor to Legislature.** The Governor has the power to remit fines and forfeitures,
9 subject to rules and regulations prescribed by statute; and, after conviction, to grant
10 reprieves, commutations of sentences and pardons, including cases of juvenile offenses,
11 except in cases of impeachment. The Governor shall nominate and appoint a board of
12 pardons, subject to confirmation as provided in Article V, Part First, Section 8, as
13 prescribed by statute, to hear a recommendation or petition for reprieve, pardon or
14 commutation. The board shall hear the recommendation or petition in open session and
15 give an opinion on the recommendation or petition in writing to the Governor, after which
16 the Governor may grant or refuse the reprieve, commutation or pardon, as the Governor
17 determines best for the public safety. The Governor shall report to the Legislature at each
18 session every remission of fines and forfeitures and every reprieve, commutation or pardon,
19 or denial of reprieve, commutation or pardon, with the Governor's reasons for the denial,
20 and the opinion of the board of pardons in each case required to be referred, stating the
21 name and crime of the person convicted, the sentence, the date of the conviction and the
22 date of the reprieve, commutation or pardon.

23 **Constitutional referendum procedure; form of question; effective date.**

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

29 "Do you favor amending the Constitution of Maine to amend the
30 Governor's power to pardon and remit penalties to grant reprieves,
31 commutations of sentences and pardons, after conviction, including cases
32 of juvenile offenses, except in cases of impeachment, to create a board of
33 pardons and to require the Governor to provide reports to the Legislature
34 about fines, forfeitures, reprieves, commutations and pardons?"

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

