

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Sixth Legislature

AT THE
SPECIAL SESSION

January 2, 1974

to

March 29, 1974

Sec. 3. R. S., T. 12, § 1961-A, additional. Title 12 of the Revised Statutes is amended by adding a new section 1961-A to read as follows:

§ 1961-A. Filing of regulations

The commissioner shall file timely certified copies of all regulations and rulings promulgated by him and any and all amendments thereto having state-wide application that concern in any way the regulation of the taking and possessing of fish and game, including, but not limited to, the determination of the seasons therefor and any changes therein, with the Secretary of State and with the clerks of each and every District Court and Superior Court in the State. In any instances where the regulations or rulings have less than state-wide application, he shall file them with the Secretary of State and with the clerks of those District Courts and Superior Courts located in the counties in which the land or waters affected are situated. The certified copies of the regulations and rulings on file with the clerks of the aforesaid courts and the Secretary of State shall be considered official publications of the State for all purposes, including, but not limited to, the provisions of the Maine Rules of Civil Procedure, Rule 44 (a) (1) and the Maine Rules of Criminal Procedure, Rule 27, and judicial notice thereof shall be taken accordingly.

Sec. 4. R. S., T. 12, § 2352, amended. The next to the last sentence of the 3rd paragraph of section 2352 of Title 12 of the Revised Statutes, as last repealed and replaced by section 2 of chapter 71 of the public laws of 1971, is repealed as follows:

~~The commissioner shall file a certified copy of the regulations with the clerks of the Superior and District Courts of the State and with the Secretary of State.~~

Effective June 28, 1974

CHAPTER 691

AN ACT Relating to Nullification of Criminal Records.

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

R. S., T. 15, § 2161-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 2161-A to read as follows:

§ 2161-A. Expungement of records

Any person convicted of a violation of any law of the State of Maine and who later appealed to and was granted a full pardon by the Governor and Executive Council, shall be entitled to expungement of any records or recordings of such conviction.

The granting of a full pardon shall mean that the person shall, for all purposes, be considered as never having been arrested or convicted for the offense for which such pardon is granted. No person, firm, corporation or employer shall use information concerning an offense for which a pardon has been granted in any manner to the detriment of the person pardoned.

1. **Effect.** The effect of expungement of criminal records of pardoned persons as outlined in this section shall be the following:

A. **Distribution.** To prohibit the distribution or dissemination of any record so expunged;

B. **Civil rights.** To restore to such persons all civil rights or privileges lost or forfeited as a result of any conviction, the records with respect to which have been expunged;

C. **Use.** To prohibit the use of any such record for purposes of impeaching the testimony of any person with respect to whom such order was issued in any civil or other action;

D. **Inquiry.** To prohibit the use, dissemination or distribution of any such record so expunged in connection with an inquiry related to credit purchases or access to educational programs.

2. **Responsibility to inform.** It is the responsibility of the Secretary of State 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 and conviction or to have a record thereof, of the requirement to expunge such records following the granting of a full pardon. Any person granted a full pardon shall present, within 5 days of the effective date of the pardon, to the Secretary of State a list of all persons, offices, agencies and other entities which such person has reason to believe have records of the arrest or conviction for which pardoned, under their jurisdiction or control and the Secretary of State shall inform said parties of the full pardon being granted and the requirement to expunge their records, and shall inform all parties notified of the penalty provisions of this section.

3. **Penalty.** It shall be unlawful for any officer or employee of any agency, department, court or other entity who, after receiving notice that a full pardon has been granted, to release, otherwise disseminate or make available for any purpose involving employment, bonding or licensing in connection with any business, trade or profession, or for the purposes of credit applications or application to any educational program, to any individual, corporation, firm, partnership, institution or entity, or to any department, agency or other instrumentality of the State Government, or any political subdivision thereof, any information or other data concerning any arrest, indictment, trial, hearing, conviction or correctional supervision, the records with respect to which were required to be expunged by this section. Any person who shall willfully violate a provision of this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Effective June 28, 1974

CHAPTER 692

AN ACT Authorizing the Secretary of State to Extend Expiration Date of All Motor Vehicle Registrations under Emergency Conditions.