

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.

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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. 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. I, §6** is amended to read:

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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;

11 To have a speedy, public and impartial trial, and, except in trials by martial law or 12 impeachment, by a jury of the vicinity. The accused shall not be compelled to furnish or 13 give evidence against himself or herself, nor be deprived of life, liberty, property or 14 privileges, but by judgement of that person's peers or the law of the land.

15 <u>The accused has a right to be notified of the rights described by this section before a</u> 16 <u>custodial interrogation.</u>

17 **Constitutional referendum procedure; form of question; effective date.** 18 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their 19 respective cities, towns and plantations to meet, in the manner prescribed by law for holding 20 a statewide election, at a statewide election held in the month of November following the 21 passage of this resolution, to vote upon the ratification of the amendment proposed in this 22 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?"

26 The legal voters of each city, town and plantation shall vote by ballot on this question 27 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 28 in open ward, town and plantation meetings and returns made to the Secretary of State in 29 30 the same manner as votes for members of the Legislature. The Governor shall review the 31 returns. If it appears that a majority of the legal votes are cast in favor of the amendment, 32 the Governor shall proclaim that fact without delay and the amendment becomes part of 33 the Constitution of Maine on the date of the proclamation.

- 34 Secretary of State shall prepare ballots. Resolved: That the Secretary of State 35 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of 36 this resolution necessary to carry out the purposes of this referendum.
- 37 SUMMARY

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.