

131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 739

S.P. 297

In Senate, February 16, 2023

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Empower the Legislature to Allow the Expungement or Sealing of Certain Criminal Records

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 DILL of Old Town and Senators: BAILEY of York, BEEBE-CENTER of Knox, HARRINGTON of York, Representatives: ANDREWS of Paris, BOYER of Poland, FAULKINGHAM of Winter Harbor, HASENFUS of Readfield, Speaker TALBOT ROSS of Portland. 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. IV, Pt. Third, §24** is enacted to read:

5 Section 24. Power to expunge or seal criminal records. The Legislature may 6 enact laws to allow for the expungement or sealing of a criminal record on the completion 7 of a sentence served by a person convicted of certain crimes, as the Legislature considers 8 best to rehabilitate convicted persons, protect the public safety and advance restorative 9 justice.

10 **Constitutional referendum procedure; form of question; effective date.** 11 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their 12 respective cities, towns and plantations to meet, in the manner prescribed by law for holding 13 a statewide election, at a statewide election held in the month of November following the 14 passage of this resolution, to vote upon the ratification of the amendment proposed in this 15 resolution by voting upon the following question:

- 16 "Do you favor amending the Constitution of Maine to allow the Legislature
- to enact laws to allow for the expungement or sealing of a criminal recordon the completion of a sentence served by a person convicted of certain
- 19 crimes?"

20 The legal voters of each city, town and plantation shall vote by ballot on this question 21 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 22 23 in open ward, town and plantation meetings and returns made to the Secretary of State in 24 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, 25 26 the Governor shall proclaim that fact without delay and the amendment becomes part of 27 the Constitution of Maine on the date of the proclamation.

28 Secretary of State shall prepare ballots. Resolved: That the Secretary of State 29 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of 30 this resolution necessary to carry out the purposes of this referendum.

- 31 SUMMARY
- This resolution proposes to amend the Constitution of Maine to enact a provision to allow for the expungement or sealing of a criminal record on the completion of a sentence served by a person convicted of certain crimes.