



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1187

H.P. 865

House of Representatives, March 22, 2021

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine Amending the Pardon Powers of the Governor**

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.

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 amended to read:

5 **Section 11. Power to pardon and remit penalties, etc.; conditions.** The
6 Governor shall have power after advice from a body created by law and after public notice
7 to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations
8 and pardons, except in cases of impeachment, ~~upon~~ and except during the last 6 months of
9 each 4-year term of office of the Governor, during which time no reprieves, commutations
10 or pardons may be granted. The Governor may impose such conditions, ~~and with such~~
11 restrictions and limitations as may be deemed proper, subject to such regulations as may
12 be provided by law, relative to the manner of applying for pardons. Such power to grant
13 reprieves, commutations and pardons shall include offenses of juvenile delinquency.

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

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

20 "Do you favor amending the Constitution of Maine to require the Governor
21 to receive advice from a body created by law and give public notice before
22 granting a pardon, reprieve or commutation and to prohibit the Governor
23 from granting a pardon, reprieve or commutation during the last 6 months
24 of each 4-year term of office of the Governor?"

25 The legal voters of each city, town and plantation shall vote by ballot on this question
26 and designate their choice by a cross or check mark placed within the corresponding square
27 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 the same manner as votes for members of the Legislature. The Governor shall review the
30 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,
31 the Governor shall proclaim that fact without delay and the amendment becomes part of
32 the Constitution of Maine on the date of the proclamation.

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

36 SUMMARY

37 This resolution proposes a constitutional amendment to require the Governor to receive
38 advice from a body created by law and give public notice before granting a pardon, reprieve
39 or commutation and to prohibit the Governor from granting a pardon, reprieve or
40 commutation during the last 6 months of each 4-year term of office of the Governor.