

**STATE OF MAINE
GOVERNOR'S BOARD ON
EXECUTIVE CLEMENCY
111 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

GENERAL INFORMATION REGARDING EXECUTIVE CLEMENCY

Thank you for your recent inquiry regarding your wish to be considered for Executive Clemency. This response is sent to everyone who applies for either a commutation or a pardon.

Listed below are answers to questions most often asked regarding Executive Clemency. **Please read them before completing any application for a Pardon or Commutation.**

A. What is Executive Clemency?

"Executive Clemency" refers to the constitutional power (*see* Maine Constitution, Article V, Part First, section **11**) given exclusively to the Governor that allows him/her, following a criminal conviction or juvenile adjudication, to grant either a commutation of sentence or a pardon. A **Commutation** is a partial or full reduction of a sentence for persons presently incarcerated for having committed a crime. A **Pardon** (unlike a commutation) officially forgives an individual for a crime or crimes.

B. How does a pardon affect my criminal record?

The effect of a full and free pardon on an individual's criminal record is controlled by Title 16, section 701-710 of the Maine Revised Statutes Annotated. Because Maine does not expunge or erase criminal records, one's criminal record is not "wiped clean" by being granted a pardon; rather, information concerning the pardoned conviction is considered "non-conviction" data and is available only under the conditions or circumstances set forth in Title 16, section 701-710 of the Maine Revised Statutes Annotated. Information related to a conditional pardon or commutation may be disseminated to any person for any purpose.

C. Is there an alternative to the pardon process for a Petitioner adjudicated to have committed a juvenile crime?

A Petitioner adjudicated to have committed a juvenile crime may request a pardon. However, as an *alternative* to the pardon process, the Petitioner may petition the court in which the adjudication occurred to seal from public inspection all records pertaining to the juvenile crime and its disposition.

D. What guidelines have been established to determine whether a pardon petition will be heard?

1. Petitioners seeking a pardon will not be heard until five (**5**) years have elapsed from the date of completion of entire sentence, including any probation periods and restitution owed associated with the sentence.

2. Petitioners seeking a pardon specifically for Operating Under the Influence of Intoxicating Liquor (OUI) will not be heard.
3. Petitioners seeking a pardon will not be heard if the Petitioner is seeking to rectify alleged errors in the judicial system.
4. Petitioners seeking a pardon for the sole purpose of carrying a firearm to hunt, or otherwise, will not be heard.

However, there is also two other possible options you may try.

- a. Please visit the following Statute Possession of Firearms by Prohibited Persons.

<https://mainelegislature.org/legis/statutes/15/title15sec393.html>

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1, subparagraphs (1) to (4) or paragraph C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the Governor. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(a)(3).

- b. There is a possibility to apply for a black powder permit that the Maine Warden Service issues. The application for the permit is located here:
<https://www.maine.gov/ifw/docs/Prohibited-Person-Black-Powder-Permit-Application.pdf>

5. Petitioners seeking a pardon for the sole purpose of having the Petitioner's name removed from the state's Sex Offender Registry will not be heard.
6. Petitioners seeking a pardon for one criminal conviction when the Petitioner has one or more additional serious criminal convictions that are not included in the Petitioner's application for a pardon will not be heard.
7. Petitioners seeking a pardon for the purpose of entry into Canada will not be heard. However, individuals with criminal convictions who are seeking entrance into Canada should contact the Consulate General of Canada for further information on reinstating this privilege.

In exceptional cases, the Governor's Board on Executive Clemency may waive these guidelines.

E. What guidelines have been established to determine whether a commutation petition will be heard?

1. Petitioners seeking a commutation of a sentence must have served at least one half of the Petitioner's original sentence (not including "good time"), or a minimum of one year of a sentence, **whichever is a longer period of time**. A person petitioning for a commutation must have confirmation **in writing from the Warden or Superintendent** of the penal institution in which the person is incarcerated, that the minimum time served criteria, discussed above, have been etc.
2. Petitioners seeking commutation will not be heard if the Petitioner is seeking to rectify alleged errors in the judicial system.

3. Petitioners serving a life sentence will not be heard.

In exceptional cases, the Governor's Board on Executive Clemency may waive these guidelines.

F. What are the steps involved in the Executive Clemency process?

1. A Petitioner for Executive Clemency **must** complete the attached petition and identify **EACH CONVICTION** for which Executive Clemency is sought. In addition, a Petitioner must obtain from the court in which the Petitioner was convicted, a certified copy of the **CHARGING INSTRUMENT** (e.g., the Indictment, Information, or Complaint), **JUDGMENT AND COMMITMENT FORM**, and **DOCKET RECORD** for **each** conviction for which Executive Clemency is sought. If a Petitioner is not able to obtain the above forms (e.g. because they were destroyed or archived due to the age of the conviction), the Petitioner must have the Clerk of the Courts certify in writing that the documents are unavailable.
2. Once completed, the petition must be notarized and sent, along with all required documents, to the Department of Corrections. PLEASE NOTE: Before sending all required documents to the Department of Corrections be sure to make copies for your records should you need to reapply at a later date.
3. Upon receipt of the completed petition and necessary documents, the Department of Corrections will request a full driving record from the Bureau of Motor Vehicles. The Department of Corrections will ask the State Bureau of Identification of the Maine State Police to do a preliminary background check for the Governor's Board on Executive Clemency. Once that background check is completed, the Pardon Clerk will ensure that the Board receives each complete petition, and the Board will grant or deny the request for each. Petitioners will be notified in writing of the Board's decision by the Pardon Clerk. NOTE: The Pardon Clerk has no say in who does and does not receive a hearing, as it is the Board's decision alone.
4. Petitioners that are granted a hearing will be asked to appear before the Board at its next available meeting. In the meantime, the Division of Probation and Parole within the Department of Corrections will conduct a more thorough background investigation and present its findings to the Board. The investigation will include a personal interview between the Petitioner and a member of the staff from Division of Probation and Parole. That Division will contact each Petitioner to establish a mutually convenient time for an interview. The investigating officer may also conduct additional interviews with the Petitioner's family, friends, co- workers, neighbors, or others in the Petitioner's community regarding the Petitioner's request for clemency.
5. Prior to the hearing, Petitioners must publish in a newspaper a Legal Notice announcing that a Pardon or Commutation hearing will be held. The specific requirements of the legal notice will be provided to the Petitioner by the Department of Corrections. The notice must be published once a week for four consecutive weeks prior to the date of the hearing. (See Section G for more details regarding publication

requirements.) **The expense incurred for the publication of this Legal Notice is solely the petitioner's responsibility.**

6. At the hearing, the Board will have an opportunity to ask the Petitioner about matters involving the Petitioner's application for clemency, including the reason why clemency is being sought and the circumstances surrounding the crime(s) for which a pardon or commutation is being requested. These hearings are open to the public. Following all the hearings, the Board meets in Executive Session to discuss the Petitioner's case. The Board, which serves in an advisory capacity to the Governor, then makes its recommendations to the Governor.
7. The Governor, who has sole responsibility for the granting or denial of Executive Clemency, reviews the Board's recommendations and makes the final decision. The Governor will accept the Board's recommendation, reject the Board's recommendation, modify the Board's recommendation, or ask the Board for more information. Petitioners are notified in writing of the Governor's decision.

G. **If I am granted a hearing before the Governor's Board on Executive Clemency, what must I do?**

A Petitioner who is granted a hearing before the Board must undertake the following:

1. Publish the required Legal Notice in the newspaper using the required information provided to the Petitioner by the Department of Corrections. The Legal Notice must be published in a newspaper that has substantial circulation in the county in which the Petitioner's case was tried. A list of appropriate newspapers to publish the Legal Notice will be provided with other required information by the Department of Corrections. The Legal Notice **must** appear once a week for four consecutive weeks prior to the date of the hearing. **The expense incurred for the publication of this Legal Notice is solely the petitioner's responsibility.** In addition, the Petitioner is responsible for providing a copy of the entire page from each week's newspaper in which the Legal Notice appeared to the Department of Corrections prior to the hearing.
2. Petitioners for a pardon must appear in person before the Governor's Board on Executive Clemency at a time and location in Augusta specified in writing by the Board.

Petitioners for a commutation **are not permitted** to appear in person; they must ask someone to appear on their behalf (e.g., a relative, a friend, an inmate advocate or legal counsel).
3. Petitioners may ask other persons to appear and speak on their behalf at the hearing.
4. At the Board's discretion, accommodations can be made for petitioners residing out of state to attend the hearing via telephone.

H. How Long does the Executive Clemency process usually take?

The length of time varies. Petitioners should be aware that the Governor's Board on Executive Clemency meets no fewer than three (3) times a year in Augusta to review petitions and hold clemency hearings. Thus, from the time a Petitioner's properly completed application is received by the Department of Corrections, the process usually takes a minimum of six months for the Petitioner to receive the Governor's decision and could take as much as a year or longer.

The Board's decision whether or not to grant a Petitioner a hearing, and the Governor's decision whether or not to grant a Petitioner clemency are final decisions. There is no right to appeal the decisions or ask for reconsideration.

I. If I am denied a hearing or my request for a pardon or commutation is denied, how long should I wait before reapplying?

Petitioners must wait One-Year from the date of denial before reapplying for clemency.

J. Sealing Records

As an alternative to seeking a Pardon, you may follow the prompts at the link directly below for further information on what specific Class D and E convictions can be sealed through the courts.

<https://www.courts.maine.gov/help/criminal/sealing.html>

K. Questions about the pardon or commutation process or to request forms

Additional questions about pardons and commutations can be directed to:

Department of Corrections
Division of Adult Community Services
111 State House Station
Augusta, Maine 04333-0111
Telephone: (207) 287-3366

Additional petitions may be obtained from this office upon request, or by visiting the Department of Corrections website at:
<https://www.maine.gov/corrections/pardonboard>

**STATE OF MAINE
PETITION FOR EXECUTIVE CLEMENCY**

Please print legibly or type and use black ink only.

Name: _____

Any prior names including a maiden name used by the Petitioner:

Date of Birth: [_____]

Gender: ☐ Male ☐ Female

Current Home Address:

(Street and/or Post Office Box, If applicable)

(City, State, zip code)

Home Telephone Number: _____

Alternative Telephone Number: _____

Email address: _____

1. I am seeking a (check only one): ☐ Pardon ☐ Commutation

2. Are You Presently Incarcerated? Yes ☐ No ☐

If so, where? _____

3. Please list each Maine conviction for which you are seeking clemency (use additional paper if needed).

| Conviction | Arresting Police Dept. or Agency | Criminal Action Docket Number | County of Conviction | Sentence |
|------------|-------------------------------------|----------------------------------|-------------------------|----------|
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If you have sought Executive Clemency in the past for this or other crimes, please complete the following:

A. Date(s) of Petition(s):

B. Conviction(s) for which you sought Executive Clemency:

C. Were you granted a hearing(s)? ☐ Yes ☐ No

D. If a hearing(s) was granted, what was the result?

• • • • •

Under penalties of perjury, I believe that the statements in this written application and any documents made a part hereof are, to the best of my knowledge, information, and belief, true, correct, and complete.

Petitioner's Signature

Date

State of _____
County of _____

The above-named petitioner personally appeared before me on this _____ day of _____ and made oath that the foregoing application is true to the best of his or her knowledge, information, and belief.

Signature of Notary: _____

Name of Notary Public: _____
(Please print)

Notary Public Commission Expiration Date: _____

Please return this petition to:

**Maine Department of Corrections
Division of Adult Community
Corrections State House
Station 111
Augusta, Maine 04333**

Supplemental Petition for Executive Clemency

A. Questions for Petitioners Seeking a Pardon

1. Have you ever been told by an employer that you would not be hired because of your criminal conviction(s)? Yes_ No_. If yes, list the employer(s), their location, and the year(s) that occurred.
2. Have you ever been terminated by an employer because of your criminal conviction(s)? Yes_ ~~No~~_. If yes, list the employer(s), their location, and the year(s) that occurred.
3. Have you ever been denied advancement or promotion at work because of your criminal conviction(s)? Yes_ No_. If yes, list the employer(s), their location, and the year(s) that occurred.
4. Have you ever been denied entrance or access to any facility because of your criminal conviction(s)? Yes_ No_. If yes, list the facility or facilities, their location, and the year(s) that occurred.
5. Have you ever been asked or required by an employer to travel to a foreign country for your job but were unable to because of your criminal conviction(s)? Yes_ No_. If yes, list the employer(s), their location, the country or countries, and the years that occurred.
6. Is your current employer aware of your criminal record? Yes_ No_. Were you asked to disclose that record? Yes_ No_.
If yes, did you truthfully disclose your record? Yes_ No_
7. Are you concerned that your current employer will terminate your employment because of your criminal conviction(s)? Yes_ No_. If yes, please explain specifically why you have that concern.
8. Have you ever been denied an opportunity to take classes or earn credits from a school, college, educational or training institution because of your criminal conviction(s)? Yes_ No_. If yes, list the institution(s), their location, what you were denied, and the year(s) that occurred.
9. Have you ever been denied a professional or occupational license because of your criminal conviction(s)? Yes_ No_. If yes, list the licensing board(s) and the years that occurred.
10. Have you ever been denied on the job professional or occupational training because of your criminal conviction(s)? Yes_ No_. If yes, list the organization(s) that denied you that training, and the years that occurred.

11. Have you ever been denied a governmental benefit such as housing or social security because of your criminal conviction(s)? Yes_ No_. If yes, list the benefit(s) you were denied and the years that occurred.
12. Have you ever been denied the right to vote because of your criminal conviction(s)? Yes_ No_. If yes, list the State(s) and the years that occurred.
13. Have you ever been unable to receive bonding or insurance coverage because of your criminal conviction(s)? Yes_ No_. If yes, list the companies and the years that occurred.
14. Have you ever been prevented from participating in your child's or children's activities because of your criminal conviction(s)? Yes_ No_. If yes, list the activities, who denied you, and the year(s) that occurred.
15. Have you ever been denied the ability to adopt children because of your criminal conviction(s)? Yes_ No_. If yes, list the agency or agencies that denied you and the year(s) that occurred.
16. Has your conviction affected your ability to serve or progress in a military career? Yes_ No_. If yes, explain specifically how, when and the location and branch of service.
17. Was restitution part of your sentence? Yes_ No_. Was it paid off? Yes_ No_. If Yes, please provide proof that it was paid off. If No, please explain why and how much remains on the balance. (Proof of payment can be retrieved from the DA's Office you paid through, or you can contact the Probation Office you used during probation)
18. List any other way in which your conviction has or is still preventing you from pursuing your personal or professional goals. Please specify the basis for this assertion.

B. Questions for Persons Seeking a Commutation

1. What are the specific reasons why you believe that you deserve a commutation?
2. Do you have a health condition that would justify a commutation? Yes_ No_.
If yes, list the specific condition(s), their practical effects on you, and provide documentation of the condition(s).
3. Have you received commendations while incarcerated? Yes_ No_.
If yes, list the commendations, when they were received, by whom they were granted, and provide documentation.
4. If your sentence is commuted, do you have a support system or necessary counseling in place for you? Yes_ No_. If yes, explain specifically such services.
5. Provide any other reason(s) why you believe your sentence should be commuted.

The following is a checklist to help you make sure you have everything required to move forward with the clemency application process before sending to Maine Department of Corrections.

If the items below are not completed and returned, the application is incomplete, and I cannot continue with the process.

- ☐ State of Maine Petition for Executive Clemency filled out and Notarized.
- ☐ Supplemental Petition for Executive Clemency.
- ☐ **Judgement and Commitment, Docket Record, and Charging Instrument** from the court(s) of conviction(s) (If the court does not have the documents or the documents are not accessible to them, please ask them to write a letter stating that and send it in their place)
- ☐ Notice of Half-Time Served [For Commutation only]