

**6 FY 19/20  
March 15, 2019**

**AN ORDER ESTABLISHING THE  
GOVERNOR'S BOARD ON EXECUTIVE CLEMENCY**

**WHEREAS**, *Me. Const. Art. V, Pt. 1, §11* confers upon the Governor the authority to grant certain reprieves, commutations and pardons (clemency) upon such conditions, and with such restrictions and limitations as may be deemed proper and subject to such regulations as may be provided by law; and

**WHEREAS**, the exercise of this authority should be informed by proper investigations and reports; and

**WHEREAS**, the exercise of this authority should be further informed by the advice and counsel of citizens learned in matters of criminal justice; and

**WHEREAS**, the exercise of this authority should be consistent with *15 M.R.S. §§2161-67*;

**NOW THEREFORE**, I, Janet T. Mills, Governor of the State of Maine, pursuant to authority conferred by *Me. Const. Art. V, Pt. 1, §1 and §12*, do hereby Order the following.

**I. PURPOSE**

The Governor's Board on Executive Clemency (Board) is hereby established. The purpose of the Board is to investigate, evaluate and advise on petitions for executive clemency.

**II. MEMBERSHIP**

The Governor shall appoint the members and a chair of the Board, and they shall each serve at the Governor's pleasure. All such members shall be Maine citizens who have knowledge of the criminal justice system and the interests served by conferring clemency in appropriate cases.

**III. PROCESS**

At the Governor's direction, the Board shall adopt operating guidelines for reviewing and assessing clemency petitions. The Board shall meet at the call of the chair and approximately every four months. The Board may perform such other tasks and duties as the Governor may request from time to time, provided that the final decision to grant clemency remains solely with the Governor.

**IV. ACCESS AND CONFIDENTIALITY**

Information related to the clemency process shall be treated as follows:

- A. Petitions.** From petitions for which the Board has granted a hearing, the identity of the petitioner and the convictions or sentences for which the petitioner seeks clemency are not confidential.
- B. Hearings.** Absent exceptional circumstances, hearings on clemency petitions shall be open to the public.
- C. Warrants.** Warrants granting clemency are not confidential; provided that a warrant may be redacted to protect sensitive personal or statutorily confidential information before the warrant is disclosed. Legal counsel shall pre-approve any disclosures to ensure this protection.
- D. Other.** All other records, proceedings and deliberations of the Board are confidential pursuant to *1 M.R.S. §402(2)(F), (3)(J)* and *§403(6)*, and any other applicable provision of Maine law. Records created and collected by the Department of Corrections to assist the Board and Office of Governor shall otherwise remain at all times records of the Department.

## **V. AGENCY SUPPORT**

The Department of Corrections shall staff, inform and advise the Board on all petitions. The Board may also seek information and counsel from the Office of Attorney General, law enforcement and other pertinent government officials.

## **VI. COMPENSATION**

Members of the Board shall serve without compensation. Reimbursement allowed by law for members' necessary expenditures incurred by their service shall be administered by the Governor's Office.

## **VII. OTHER**

This Order supersedes *Executive Order 25 FY 11/12*; provided that the confidentiality of records and proceedings of prior Boards shall be governed by the provisions of *Section IV* above.

## **VIII. EFFECTIVE DATE**

The effective date of this Order is March 15, 2019.

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Janet T. Mills, Governor