

## Maine Reprieve Power

The Maine Constitution vests Governor Mills with plenary authority to "to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Me. Const. art. V, Pt. 1, § 11.

Thus, like many state constitutions, Article V reserves the possibility of statutory regulation of "the manner of applying for pardons," but not the manner of applying for reprieves. This aligns with a broader historical trend across all states, that the reprieve power shall remain unfettered so that the governor may act swiftly in times of emergency.

In *State v. Hunter*, the Supreme Judicial Court of Maine observed that, given the broad language of Me. Const. art. V, Pt. 1, § 11 and the principle of separation of powers, the governor's clemency authority is free from interference by coordinate branches of government. 447 A.2d 797, 802 (Me. 1982). The court explained that, "[i]n exercising any power of clemency, the Governor is not limited to the considerations that are permitted to the courts . . . Rather, the chief executive, acting for the public welfare and the benefit of the convict, has complete discretion and may exercise his power for whatever reasons he thinks appropriate."