

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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The rules and regulations adopted by the department shall provide with respect to the repair and replacement of any part or parts of existing subsurface sewage disposal systems serving family dwellings inhabited by no more than 2 individual families that the local plumbing inspector may waive the site evaluation requirements, provided that the waiver will not result in violations of other regulations or ordinances adopted pursuant to the Plumbing Code. He may not waive the site evaluation requirement for disposal systems within 100 feet of any pond or river subject to shoreland zoning laws.

Sec. 2. 30 MRSA § 3221, sub-§ 1, ¶ B, as enacted by PL 1975, c. 762, § 2, is repealed and the following enacted in its place:

B. The municipal officers of any municipality may provide by ordinance that the plumbing inspector may waive the site evaluation requirement as provided in Title 22, section 42, subsection 3. They shall notify the department in writing of the date of the adoption of the ordinance. Any person aggrieved by the granting of a waiver may appeal to the municipality and request a public hearing on the issue of whether or not the waiver shall be permitted.

Effective October 24, 1977

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## CHAPTER 287

### AN ACT Relating to Use of Criminal Records in Occupational Licensing.

*Be it enacted by the People of the State of Maine, as follows:*

Sec. 1. 5 MRSA § 5301, as enacted by PL 1975, c. 150, is repealed and the following enacted in its place:

#### § 5301. Eligibility for occupational license or permit

1. Effect of criminal history record information respecting certain convictions. Subject to subsection 2 and sections 5302 and 5303, in determining eligibility for the granting of any occupational license or permit issued by the State, the appropriate State licensing agency may take into consideration criminal history record information relating to certain convictions which have not been set aside or for which a full and free pardon has not been granted, but the existence of such information shall not operate as an automatic bar to being licensed or permitted to practice any trade or occupation.

2. Criminal history record information which may be considered. A licensing agency may use in connection with an application for an occupational license or permit criminal history record information pertaining to the following:

A. Convictions for which incarceration for less than one year may be imposed and which involve dishonesty or false statement;

B. Convictions for which incarceration for less than one year may be imposed and which directly relate to the trade or occupation for which the license or permit is sought;

C. Convictions for which no incarceration can be imposed and which directly relate to the trade or occupation for which the license or permit is sought; and

D. Convictions for which incarceration for one year or more may be imposed.

Sec. 2. 5 MRSA § 5302, sub-§ 1, as enacted by PL 1975, c. 150, is repealed and the following enacted in its place:

1. Reasons for denial, revocation or suspension. Licensing agencies may refuse to grant or renew, or may suspend any occupational license or permit on the basis of the criminal history record information relating to convictions denominated in section 5301, subsection 2, but only if the licensing agency determines that the applicant so convicted has not been sufficiently rehabilitated to warrant the public trust.

Sec. 3. 5 MRSA § 5302, sub-§ 2, 1st sentence, as enacted by PL 1975, c. 150, is amended to read:

The licensing agency shall explicitly state in writing the reasons for a decision which prohibits the applicant from practicing the trade or occupation if such decision is based in whole or in part on conviction of any crime described in subsection 1, paragraph A section 5301, subsection 2.

Effective October 24, 1977

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## CHAPTER 288

**AN ACT to Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine.**

*Be it enacted by the People of the State of Maine, as follows:*

23 MRSA § 1201, sub-§ 29 is enacted to read:

29. Rockland area. Such sign shall be constructed and maintained on the Maine Turnpike southerly of exit 9 and shall be worded as follows:

**ROCKLAND AREA — EXITS 9 and 15**

Effective October 24, 1977