

# MAINE STATE LEGISLATURE

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H. of S.

L.D. 1552

DATE: 3/28/94

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R E P O R T C  
J U D I C I A R Y

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1153, L.D. 1552, Bill, "An Act to Amend the Laws Governing the Required Qualifications to Practice Law in the State"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 4 MRSA §805-A, sub-§2, ¶A, as enacted by PL 1985, c. 124, §6, is amended to read:

A. Produces satisfactory evidence of good moral character.

(1) The fact that an applicant has been convicted as an adult of a crime that is punishable by imprisonment of one year or more in this State or in another state or jurisdiction of the United States raises a presumption that the applicant has not met this requirement. This presumption may be rebutted by proof that a lawful pardon has been obtained, that extraordinary circumstances surrounded the commission of the crime or that a reasonable amount of time has passed since the applicant's conviction and completion of sentence and there is evidence of complete rehabilitation based on the applicant's subsequent history.

**COMMITTEE AMENDMENT**

2           (2) Nothing in subparagraph (1) precludes the board or  
3           the Supreme Judicial Court from considering a  
4           conviction as a basis for disqualification under this  
5           paragraph;

6  
7  
8           **STATEMENT OF FACT**

9  
10           This amendment clarifies that the Board of Bar Examiners and  
11           the Supreme Judicial Court are free to consider any conviction in  
12           determining whether an applicant for the bar possesses good moral  
13           character. This is in addition to the presumption established by  
14           the bill that a person with a felony conviction does not meet the  
15           requirement of good moral character. The fact that a person with  
16           a felony conviction can rebut that presumption in any of the 3  
17           ways listed in the original bill does not eliminate the  
18           discretion of the admitting authority to consider the existence  
19           of any conviction when determining whether an applicant possesses  
20           good moral character.