

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 801

H.P. 591

House of Representatives, March 14, 1995

**An Act to Clarify the Licensing Authority of the Board of Trustees of the
Maine Criminal Justice Academy.**

Submitted by the Department of Public Safety pursuant to Joint Rule 24.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.
Cosponsored by Representatives: LINDAHL of Northport, WHEELER of Bridgewater,
Senator: HALL of Piscataquis.

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

2
4 **Sec. 1. 5 MRSA §5301, sub-§2, ¶E**, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

6 E. Convictions for which incarceration for less than one
8 year may be imposed and ~~which that~~ involve sexual misconduct
10 by an applicant or licensee of the Board of Licensure in
12 Medicine, the Board of Osteopathic Licensure, the Board of
14 Dental Examiners, the State Board of Examiners of
16 Psychologists, the State Board of Social Worker Licensure,
18 the Board of Chiropractic Licensure, the State Board of
20 Examiners in Physical Therapy, the Board of Trustees of the
22 Maine Criminal Justice Academy and the State Board of
24 Nursing.

16 **Sec. 2. 5 MRSA §5303, sub-§2**, as amended by PL 1993, c. 600,
18 Pt. B, §§20 to 22, is further amended to read:

20 **2. Ten-year limits.** For applicants to and licensees and
22 registrants of the Board of Licensure in Medicine, the Board of
24 Osteopathic Licensure, the Board of Dental Examiners, the State
26 Board of Examiners of Psychologists, the State Board of Social
28 Worker Licensure, the State Board of Nursing, the Board of
30 Chiropractic Licensure, the Board of Trustees of the Maine
32 Criminal Justice Academy and the State Board of Examiners in
34 Physical Therapy, the following ~~shall~~ apply.

30 A. The procedures outlined in sections 5301 and 5302 for
32 the consideration of prior criminal conviction as an element
34 of fitness to practice a licensed profession, trade or
36 occupation ~~shall~~ apply within 10 years of the applicant's or
38 licensee's final discharge, if any, from the correctional
40 system.

36 B. Beyond the 10-year period, ex-offender applicants or
38 licensees with no additional convictions ~~shall~~ must be
40 considered in the same manner as applicants or licensees
42 possessing no prior criminal record for the purposes of
44 licensing decisions.

42 C. There is no time limitation for consideration of a
44 registrant's, an applicant's or licensee's conduct ~~which~~
46 that gave rise to the criminal conviction if that conduct is
48 otherwise a ground for disciplinary action.

48 **Sec. 3. 25 MRSA §2807**, as repealed and replaced by PL 1985,
c. 506, Pt. A, §49, is amended to read:

2 certificate. The requirement that the director keep a list of
law enforcement officers convicted of crimes is removed because
4 that information is available through the State Bureau of
Identification.