

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature  
1ST SPECIAL SESSION  
JANUARY 2, 1974 TO MARCH 29, 1974  
AND BY THE  
One Hundred and Seventh Legislature  
REGULAR SESSION  
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,  
SECTION 164, SUBSECTION 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1975

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
One Hundred and Seventh Legislature

1975

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An employee sustaining a personal injury arising out of and in the course of his employment, provided said injury relates to a lumbar, sacral, dorsal or cervical subluxation shall be entitled to chiropractic examination and treatment for the relief thereof. Such treatment shall consist of palpating and adjusting the segments and articulations of the human spinal column by hand. Examination may include diagnostic x rays. A duly licensed chiropractor shall be considered competent to testify before the Industrial Accident Commission.

Effective October 1, 1975

## CHAPTER 149

### AN ACT Relating to Expenditures of the Town Road Improvement Fund.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, inflation has caused the cost of construction to increase significantly; and

Whereas, the \$12,000 limitation on town road improvement projects does not permit adequate improvements; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

23 MRSA § 1705, first sentence, as last amended by PL 1973, c. 168, is further amended to read:

The expenditures of this fund shall not exceed the sum of ~~\$12,000~~ \$15,000 in any one mile.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 16, 1975

## CHAPTER 150

### AN ACT Creating Uniform Standards for Disqualification of Applicants with Prior Criminal Convictions for a License or Permit to Practice a Trade or Occupation Regulated by the State.

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

5 MRSA c. 341 is enacted to read:

## CHAPTER 341

OCCUPATIONAL LICENSE DISQUALIFICATION ON BASIS  
OF CRIMINAL RECORD

## § 5301. Eligibility for occupational license or permit

1. Effect of prior criminal 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 licensing agency may take into consideration conviction of certain crimes which have not been set aside, pardoned or expunged, but such convictions shall not operate as an automatic bar to being licensed or permitted to practice any trade or occupation.

2. Certain criminal records not to be considered. The following criminal records shall not be used, distributed or disseminated in connection with an application for a license or permit:

- A. Records of arrest not followed by a valid conviction;
- B. Convictions which have been set aside, pardoned or expunged;
- C. Misdemeanor convictions not involving moral turpitude, unless such convictions directly relate to the trade or occupation for which the license or permit is sought; and
- D. Misdemeanor convictions for which no jail sentence can be imposed, unless such convictions directly relate to the trade or occupation for which the license or permit is sought.

## § 5302. Denial or revocation of licenses because of criminal record

1. Reasons for denial, revocation or suspension. Licensing agencies may refuse to grant or renew, or may suspend or revoke any occupational license or permit for any one or combination of the following causes:

- A. When the applicant has been convicted of a felony, or a misdemeanor involving moral turpitude or for which a jail sentence may be imposed, and such criminal conviction directly relates to the trade or occupation for which the license or permit is sought; but only
- B. If the licensing agency determines, after complete investigation, that the applicant so convicted has not been sufficiently rehabilitated to warrant the public trust.

2. Reasons to be stated in writing. 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. For purposes of subsection 1, paragraph B, successful completion of probation or parole supervision, or final discharge from any term of imprisonment without

any subsequent conviction, shall constitute a rebuttable presumption of sufficient rehabilitation.

§ 5303. Time limit on consideration of prior criminal conviction

The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed trade or occupation shall apply within 3 years of the applicant's final discharge, if any, from the correctional system. Beyond the 3-year period, exoffender applicants with no additional convictions are to be considered in the same manner as applicants possessing no prior criminal record for the purposes of licensing decisions.

§ 5304. Appeals

Any person who is aggrieved by the decision of any licensing agency in possible violation of this chapter may file a statement of complaint with the Administrative Court Judge designated in chapters 301 to 307.

Effective October 1, 1975

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## CHAPTER 151

### AN ACT to Protect Recipients of Certain Benefits Against Discrimination in Rental Housing.

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

Sec. 1. 5 MRSA § 4582, as last amended by PL 1973, c. 705, § 8, is further amended by adding at the end the following new paragraph:

For any person furnishing rental premises to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies solely because of such individual's status as such recipient.

Sec. 2. 5 MRSA § 4583, as last amended by PL 1973, c. 705, § 9, is further amended to read:

§ 4583. Application

Nothing in this Act shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease or manage a housing accommodation to set up and enforce specifications in the selling, renting, leasing or letting thereof or in the furnishings of facilities or services in connection therewith which are not based on the race, color, sex, physical handicap, religion or country of ancestral origin, the receipt of public assistance payments of any prospective or actual purchaser, lessee, tenant or occupant thereof. Nothing in this Act contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations, to set stand-