

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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decision which prohibits the applicant, licensee, registrant or permit holder from practicing the profession, trade or occupation if such that decision is based in whole or in part on conviction of any crime described in section 5301, subsection 2. 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.

**Sec. 3. 5 MRSA §5303**, as enacted by PL 1975, c. 150, is repealed and the following enacted in its place:

**§5303. Time limit on consideration of prior criminal conviction**

**1. Three-year limits.** Except as set forth in this subsection and subsection 2, the procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation shall apply within 3 years of the applicant's or licensee's final discharge, if any, from the correctional system. Beyond the 3-year period, ex-offender applicants or licensees with no additional convictions are to be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions. There is no time limitation for consideration of an applicant's or licensee's conduct which gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action against a licensee.

**2. Ten-year limits.** For applicants to and licensees and registrants of the Board of Registration in Medicine, the Board of Osteopathic Examination and Registration, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Examination and Registration, and the State Board of Examiners in Physical Therapy, the following shall apply.

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

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

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

See title page for effective date.

## CHAPTER 85

H.P. 31 - L.D. 31

### An Act to Amend the Real Estate Licensure Laws

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

**Whereas**, recent legislation changed the requirements for a real estate license; and

**Whereas**, this same legislation allowed persons who had completed all requirements for licensure by July 1, 1988, to be licensed under the former provisions; and

**Whereas**, through a misunderstanding some of these people completed their requirements but did not make application; and

**Whereas**, these people are currently not eligible to practice real estate; 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:**

**38 MRSA §13239, sub-§5**, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

**5. Applications processed.** All license applications shall be processed according to the laws in effect on the date the application is received by the commission. License applications shall be processed according to former chapter 59 if the applicant has satisfactorily completed all requirements of that chapter by July 1, 1988. This deadline may be extended by the commission to July 1, 1989, for an applicant who has completed all requirements except for filing the license application, upon a showing of good cause for failure to meet the deadline of July 1, 1988.

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

Effective May 3, 1989.

## CHAPTER 86

H.P. 568 - L.D. 772

### An Act to Provide a Penalty on Delinquent Public Utilities

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