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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 349, L.D. 530, “An Act Regarding Occupational Licensing Reform”

Amend the bill by striking out the title and substituting the following:

'An Act to Eliminate a Rebuttable Presumption Against the Admission of Certain Applicants to the Bar'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 4 MRSA §805-A, sub-§2, ¶A, as amended by PL 1993, c. 643, §1, is further 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.~~

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

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft, and changes the title. Under current law, there is a rebuttable presumption that an applicant for admission to the bar who has been convicted as an adult

1 of a crime punishable by at least one year of imprisonment does not have the good moral
2 character required for admission to the bar. This amendment eliminates that rebuttable
3 presumption.