



March 11, 2025

Sen. Anne Carney, Chair
Rep. Amy Kuhn, Chair
Joint Standing Committee on the Judiciary
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *LD 530, An Act Regarding Occupational Licensing Reform*

Dear Sen. Carney, Rep. Kuhn, and Members of the Judiciary Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write to provide comments regarding **LD 530**. As originally drafted, this concept draft appeared to relate to occupational licenses, as the title suggests. However, we understand that the concept has been modified to relate instead to the licensure of attorneys, who are not licensed as occupations but rather are licensed through the court system. Accordingly, we are submitting testimony ***neither for nor against*** LD 530 as we believe this issue should first go before the Board of Bar Examiners and the Judicial system, the entities charged with overseeing the process of licensing of attorneys.

About MSBA. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 2,500 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

What does the sponsor's amendment to LD 530 do? Among other requirements, an individual seeking admission to the Maine Bar must secure a certificate from the Board of Bar Examiners stating that the applicant is of "good moral character." 4 M.R.S. § 805-A(2). Under current law, in place since 1993, an applicant previously convicted of a crime punishable by imprisonment of one year or more faces a presumption that they do not meet the good moral character requirement. The presumption can be rebutted with proof that a reasonable amount of time has passed, and the applicant has been rehabilitated, that the applicant received a lawful pardon, or that extraordinary circumstances surrounded the commission of the crime. 4 M.R.S. § 805-A(2)(a)(1). LD 530 would eliminate the presumption and instead require the Board of Bar Examiners to conduct further review of the applicant.

Discussion. Our Association takes no position at this time with respect to whether, as proposed in the sponsor's amendment, the current presumption regarding individuals convicted of a crime punishable by imprisonment of one year or more should be eliminated. Instead, we write to comment on process. We understand that the amendment to LD 530 was not developed in collaboration with the Board of Bar Examiners or the Supreme Judicial Court. Likewise, the Maine State Bar Association was not consulted about the proposal, nor has the issue underlying the sponsor's amendment been raised before our Association. This may indeed be an important issue, but since it has not been the subject of discussion and deliberation among stakeholders, including the Board of Bar Examiners and the Supreme Judicial Court, it does not feel ripe for discussion and debate in the form of legislation at this time.

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Conclusion. Thank you for the opportunity to provide these comments neither for nor against LD 530, as amended by the sponsor's amendment. If you have questions or need additional information, please do not hesitate to let us know.

Sincerely,



Susan Faunce
President, Board of Governors

cc: Angela Armstrong, Executive Director
Rachel Okun, Chair, MSBA Legislative Committee
James I. Cohen, Verrill Dana, LLP, Legislative counsel for MSBA