



Rachel Talbot Ross
Senator, District 28

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Rachel Talbot Ross introducing
**LD 1204, “An Act to Support Direct Access Worker Employment by
Removing Certain Employment Disqualifications”**
Before the Joint Standing Committee on Health Coverage, Insurance and Financial Services
April 15, 2025

Senator Bailey, Representative Mathieson, and distinguished members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, I am Senator Rachel Talbot Ross. I represent Senate District 28, which includes part of my hometown of Portland and Peaks Island.

Thank you for the opportunity to present LD 1204, An Act to Support Direct Access Worker Employment by Removing Certain Employment Disqualifications.

As many of you may know, Maine is facing a critical shortage of direct care workers. A recent report from the Maine Center for Economic Policy identified a shortage of approximately 2,300 direct care workers. Over the next 25 years, the share of Mainers aged 65 and older is expected to grow by 7%, further increasing the demand for care. To meet this need, we must address unnecessary barriers to entering the direct care workforce.

LD 1204 is a bipartisan effort to do just that. This bill proposes removing the crime of aggravated cultivation of marijuana (17-A §1105-D) from the list of disqualifying offenses for direct access employment. This is a targeted, thoughtful change aimed at expanding the workforce without compromising safety.

To provide context, this policy recommendation emerged from the work of Maine’s Criminal Records Review Committee (CRRC), which I’ve had the honor of co-chairing alongside Senator Bailey. Established during the 131st Legislature, the CRRC includes 29 members from various agencies and stakeholder groups, charged with studying Maine’s approach to criminal records and recommending reforms. One of our committee’s past recommendations led to the successful passage of legislation allowing certain Class D marijuana convictions to be eligible for record sealing (Public Law 2023, Chapter 639). This reflected a broader understanding that marijuana-related convictions should not continue to pose significant barriers to meeting basic needs, such as housing and employment.

As part of the CRRC’s work, we held a public hearing to hear directly from impacted Mainers. A key issue raised by recovery advocates was the “Matrix for Disqualifying Crimes,” used by the Maine Background Check Center (MBCC) to determine eligibility for direct access employment. The Matrix outlines disqualifying offenses and associated timeframes for ineligibility. While MBCC offers a waiver process, we repeatedly heard that it is cumbersome, inconsistent, and

inaccessible to many. More importantly, the inclusion of certain offenses — like aggravated cultivation of marijuana — raises legitimate questions about relevance to patient safety and fairness.

Let's be clear: this legislation does not undermine public safety. Federal law already mandates disqualification for convictions related to healthcare fraud, abuse, or neglect. Many offenses currently on the Matrix are appropriate and necessary. However, we must also recognize that not all past criminal convictions pose a direct risk to direct care recipients. Looking specifically at the conviction for aggravated cultivation of marijuana, it should not automatically exclude someone from the direct care field for a period of time.

Given the urgency of the workforce shortage and the growing demand for care, this is a meaningful and reasonable step we can take now. LD 1204 offers a chance to reduce unnecessary employment barriers while preserving the safety and quality of care for Maine's most vulnerable residents.

I urge this committee to support LD 1204.

Thank you for your time and thoughtful consideration. I am happy to answer any questions.

Sincerely,

Rachel Talbot Ross

State Senator, District 28

Representing part of Portland and Peaks Island

Matrix for Disqualifying Crimes listed in Maine Revised Statutes Title 22: HEALTH AND WELFARE Chapter 1691: Maine Background Check Center Act			
All employees defined in 22 MRS §9053 (14)(Direct Access Worker) will be held to the standard of this matrix.			
The crimes listed in this document may bar an individual for a period of time from being employed in any manner as a Direct Access			
Disqualifying crimes- Must be a Felony level crime(class A, B, or C) unless specified. If crime (Felony or Misd.) occurred in a Health Care Setting (HCS) then it is a lifetime disqualifier.			
	30 Years	10 Years	5 Years
OFFENSES OF GENERAL APPLICABILITY (Attempt, Solicitation, and Conspiracy)			
17-A §151. Criminal conspiracy		A, B, C	
17-A §152. Criminal attempt	A	B, C	
17-A §152-A. Aggravated attempted murder	A		
17-A §153. Criminal solicitation		A, B, C	
OFFENSES AGAINST THE PERSON			
17-A §201. Murder	A		
17-A §202. Felony murder	A		
17-A §203. Manslaughter		A, C	
17-A §204. Aiding or soliciting suicide			D
17-A §207. Assault		C	
17-A §207-A. Domestic violence assault		C	
17-A §208. Aggravated assault	A, B		
17-A §208-B. Elevated aggravated assault	A		
17-A §208-C. Elevated aggravated assault on pregnant person	A		
17-A §209-A. Domestic violence criminal threatening		C	
17-A §210. Terrorizing		C	
17-A §210-A. Stalking		B, C	
17-A §211/ 211-A. Reckless conduct/ Domestic violence		C	
17-A §213. Aggravated reckless conduct		B	
19-A §4011. Violation of a protection order			C
22 §1593. Illegal sale and use of fetuses			C
34-B §5606. Causing unwarranted hospitalization of a person			C
17-A §253. Gross sexual assault	A	B, C	
17-A §254. Sexual abuse of minors		C	D, E
17-A §255-A. Unlawful sexual contact	A	B, C	D, E

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SEX ASSAULTS (CONT.)			
17-A §256. Visual sexual aggression against child		C	D
17-A §258. Sexual misconduct with a child under 14 years of age		C	D
17-A §259-A. Solicitation of a child to commit a prohibited act		C	D
17-A §260. Unlawful sexual touching			D
17-A §261. Prohibited contact with a minor; sex offender restricted zone		C	D
34-A §Multiple. Failing to register as a Sex Offender		B, C	D
SEXUAL EXPLOITATION OF MINORS			
17-A §282. Sexual exploitation of minor	A	B	
17-A §283. Dissemination of sexually explicit material	A	B, C	
17-A §284. Possession of sexually explicit material		B, C	D
KIDNAPPING AND CRIMINAL RESTRAINT			
17-A §301. Kidnapping	A, B		
17-A §302. Criminal restraint		C	
17-A §303. Criminal restraint by parent		C	
34-B §3805. Causing unwarranted hospitalizations		C	
THEFT			
17-A §353. Theft by unauthorized taking or transfer		B	C
17-A §354. Theft by deception		B	C
17-A §354-A. Insurance deception		B	C
17-A §355. Theft by extortion			C
17-A §356-A. Theft of lost, mislaid or mistakenly delivered property		B	C
17-A §357. Theft of services		B	C
17-A §358. Theft by misapplication of property		B	C
17-A §359. Receiving stolen property		B	C
17-A §360. Unauthorized use of property		B	C
17-A §363. Organized retail theft			C

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BURGLARY			
17-A §401. Burglary			A, B, C
17-A §405. Burglary of motor vehicle			C
FALSIFICATION IN OFFICIAL MATTERS			
17-A §454. Tampering with a witness, informant, juror or victim		B, C	
17-A §455. Falsifying physical evidence			D
17-A §456. Tampering with public records or information			D
OFFENSES AGAINST THE FAMILY			
17-A §553. Abandonment of child		C	
17-A §554. Endangering the welfare of a child		C	
17-A §555. Endangering welfare of dependent person		C	
17-A §556. Incest		C	D
ROBBERY			
17-A §651. Robbery		A, B	
FORGERY AND RELATED OFFENSES			
17-A §702. Aggravated forgery		B	
17-A §703. Forgery		B, C	
17-A §708. Negotiating a worthless instrument		B, C	
OFFENSES AGAINST PUBLIC ADMINISTRATION			
17-A §751-B. Refusing to submit to arrest or detention			D
17-A §752-A. Assault on an officer/ firefighter			C
17-A §752-B. Unlawful interference with law enforcement dogs			C, D
17-A §752-C. Assault on an emergency medical care provider		C	
17-A §752-D. Unlawful interference with law enforcement horses			C, D
17-A §753. Hindering apprehension or prosecution			B, C
17-A §754. Obstructing criminal prosecution			C

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OFFENSES AGAINST PUBLIC ADMINISTRATION (CONT.)			
17-A §755. Escape			B, C
ARSON AND OTHER PROPERTY DESTRUCTION			
17-A §802. Arson	A		
17-A §803-A. Causing a catastrophe	A		
17-A §805. Aggravated criminal mischief		C	
SEX TRAFFICKING, PROSTITUTION AND PUBLIC INDECENCY			
17-A §852. Aggravated sex trafficking	B		
17-A §853. Sex Trafficking		C	
17-A §855. Patronizing prostitution of minor or person with mental disability		C	D
FRAUD			
9-B §466. Act or omission with the intent to defraud		C	
17-A §903. Misuse of entrusted property	B, C		
17-A §905-A. Misuse of identification			D
CRIMINAL USE OF EXPLOSIVES AND RELATED CRIMES			
17-A §1001. Criminal use of explosives		C	
17-A §1002. Criminal use of disabling chemicals			D
17-A §1004. Criminal use of electronic weapon			D
DRUGS			
17-A §1103. Unlawful trafficking in scheduled drugs		B	C, D
17-A §1104. Trafficking in or furnishing counterfeit drugs			C
17-A §1105-A. Aggravated trafficking of scheduled drugs		A, B	C
17-A §1105-B. Aggravated trafficking or furnishing of counterfeit drugs		B	
17-A §1105-C. Aggravated furnishing of scheduled drugs		B	C
17-A §1105-D. Aggravated cultivating of marijuana		A, B	C
17-A §1105-E. Aggravated unlawful operation of a meth laboratory		A	

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DRUGS (CONT.)			
17-A §1106. Unlawfully furnishing scheduled drugs			C
17-A §1124. Unlawful operation of a methamphetamine laboratory		B	
MOTOR VEHICLES			
29-A §2414. Eluding/ Passing a roadblock		B	C
29-A §2411. Operating under the influence- Injury/Death	B	C	
29-A § 2252. Leaving the scene of accident with Injury/ Death		C	
29-A §2464. Operating after suspension- accident with Injury/Death		B	C

Comparable conviction for similar crimes in this and other jurisdictions can result in disqualification as allowed under Section 3(l)(2) of the MBCC rules.

12/1/2022