

**§5301. Eligibility for occupational license, registration or permit**

**1. Effect of criminal history record information respecting certain convictions.** Subject to subsection 2 and sections 5302 and 5303, in determining eligibility for the granting of any occupational license, registration or permit issued by the State, the appropriate State licensing agency may take into consideration criminal history record information from Maine or elsewhere relating to certain convictions which have not been set aside or for which a full and free pardon has not been granted, but the existence of such information shall not operate as an automatic bar to being licensed, registered or permitted to practice any profession, trade or occupation.

[PL 1989, c. 84, §1 (AMD).]

**2. Criminal history record information which may be considered.** A licensing agency may use in connection with an application for an occupational license, registration or permit criminal history record information pertaining to the following:

A. Convictions for which incarceration for less than one year may be imposed and which involve dishonesty or false statement; [PL 1977, c. 287, §1 (RPR).]

B. Convictions for which incarceration for less than one year may be imposed and which directly relate to the trade or occupation for which the license or permit is sought; [PL 1977, c. 287, §1 (RPR).]

C. Convictions for which no incarceration can be imposed and which directly relate to the trade or occupation for which the license or permit is sought; [PL 1989, c. 84, §1 (AMD).]

D. Convictions for which incarceration for one year or more may be imposed; or [PL 1989, c. 84, §1 (AMD).]

E. Convictions for which incarceration for less than one year may be imposed and that involve sexual misconduct by an applicant for massage therapy licensure or a licensed massage therapist or an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Practice, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy, the State Board of Alcohol and Drug Counselors, the Board of Respiratory Care Practitioners, the Board of Counseling Professionals Licensure, the Board of Occupational Therapy Practice, the Board of Speech, Audiology and Hearing, the Radiologic Technology Board of Examiners, the Nursing Home Administrators Licensing Board, the Board of Licensure of Podiatric Medicine, the Board of Complementary Health Care Providers, the Maine Board of Pharmacy, the Board of Trustees of the Maine Criminal Justice Academy, the State Board of Nursing and the Emergency Medical Services' Board. [PL 2011, c. 286, Pt. O, §1 (AMD); PL 2015, c. 429, §23 (REV).]

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**SECTION HISTORY**

PL 1975, c. 150 (NEW). PL 1977, c. 287, §1 (RPR). PL 1989, c. 84, §1 (AMD). PL 1993, c. 600, §§B20-22 (AMD). PL 1995, c. 131, §1 (AMD). PL 1995, c. 162, §1 (AMD). PL 1995, c. 625, §A11 (AMD). PL 2005, c. 347, §A1 (AMD). PL 2007, c. 369, Pt. A, §1 (AMD). PL 2007, c. 369, Pt. C, §5 (AFF). PL 2011, c. 286, Pt. O, §1 (AMD). PL 2015, c. 429, §23 (REV).

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