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April 8, 2021

Senator Glenn “Chip” Curry, Chair
Representative Tiffany Roberts, Chair
Committee on Innovation, Development, Economic Advancement and Business
100 State House Station
Augusta, ME 04333

Re: LD 992 – “An Act To Prevent the Denial or Revocation of a Professional or Business License for a Violation Not Related to That Profession or Business”

Dear Senator Curry, Representative Roberts, and Distinguished Committee Members:

The Maine Board of Licensure in Medicine (“BOLIM”) licenses and regulates allopathic physicians and physician assistants in Maine. The BOLIM is composed of 11 members: 6 physicians who actively practice medicine; 2 physician assistants who actively render medical services; and 3 public members. The BOLIM’s mission is to protect the public by ensuring its licensees are ethical, professional and competent. It fulfills this mission through licensing, rulemaking, regulating, and educating physician and physician assistants.

The BOLIM offers the following comments in opposition of LD 992:

Due to the language “notwithstanding any other provision of law” the bill would prohibit the denial or revocation of a license based upon criminal convictions, which is currently permitted pursuant to the following laws:

- 32 M.R.S. § 3282-A(2)(G) Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or relates directly to the practice for which the licensee is licensed, or conviction of a crime for which incarceration for one year or more may be imposed. <http://legislature.maine.gov/statutes/32/title32sec3282-A.html>.
- 5 M.R.S. §§ 5301- 5304 – Occupational License Disqualification On Basis of Criminal Record <http://legislature.maine.gov/statutes/5/title5ch341sec0.html>.

For example, the BOLIM can currently deny a license or revoke a license of a physician who is convicted of murder or child sexual abuse. LD 992 would eliminate the ability to do so.

Due to the language “notwithstanding any other provision of law” this bill would prohibit the denial of licenses, license renewals or the revocation of licenses for failing to comply with child support orders as provided by 10 M.R.S. § 8005.

<http://legislature.maine.gov/statutes/10/title10sec8005.html> and 19-A M.R.S. § 2201(7).

<http://legislature.maine.gov/statutes/19-A/title19-Asec2201.html>.

Due to the language “notwithstanding any other provision of law” this bill would prohibit the denial of licenses, license renewals or license extensions for failing to comply with the laws requiring the filing of taxes as provided by 26 M.R.S. § 1232.

<http://legislature.maine.gov/statutes/26/title26sec1232.html>.

Thank you for the opportunity to provide these comments regarding LD 992. I would be happy to answer any questions at the work session.

Sincerely,



Dennis E. Smith
Executive Director