

# Maine

## *Collateral Punishments for Marijuana Offenses*

### **Collateral punishments that hinder family life**

#### **Eligibility to Adopt a Child, or to Become a Foster Parent**

Maine has adopted the federal rule, which prohibits any prospective foster or adoptive parent from applying for five years after a marijuana-related felony conviction. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF CHILD AND FAMILY SERVICES, RULES FOR THE AUTHORIZATION OF BACKGROUND CHECKS FOR PROSPECTIVE ADOPTIVE PARENTS, 10-148-7 ME. CODE R. § 3(f) (2006), <http://www.maine.gov/sos/cec/rules/10/148/148c007.doc> (citing 18-A M.R.S. § 9-304 (2006) as authority for promulgating rules governing adoption); DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF CHILD AND FAMILY SERVICES, RULES FOR THE LICENSING OF FAMILY FOSTER HOMES FOR CHILDREN, 10-148-16 ME. CODE R. § 9(A)(8) (2006), <http://www.maine.gov/sos/cec/rules/10/148/148c016.doc> (citing ME. REV. STAT. ANN. TIT. 22, § 8102 (2006) as authority for promulgating rules governing foster home licensure).

#### **Eligibility for Public Housing**

A felony or misdemeanor marijuana conviction results in a three-year bar to eligibility for public housing. Proof of completion of drug rehabilitation for the evicted household member may allow the bar to be lifted. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY: A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS, MAINE (hereinafter "LAC REPORT"), at <http://www.lac.org/lac/main.php?view=profile&subaction1=ME> (last modified 2004).

#### **Eligibility for Food Stamps and other Public Assistance**

Maine has opted out of the federal ban. Individuals with marijuana convictions are therefore eligible to receive food stamps and other public assistance. ME. REV. STAT. ANN. TIT. 22, §§ 3104(14), 3762(17) (2006).

### **Collateral Punishments that Hinder Professional Success**

#### **Employment and Professional Licensing**

Arrests more than one year old that did not result in conviction are only reported in limited circumstances. LAC REPORT (citing ME. REV. STAT. ANN. TIT. 16, §§ 611(9)(A) and 613 (2006)). Conviction information is available to the public for any purpose. *Id.*

Employers may ask about and consider arrests not leading to conviction. LAC REPORT. Only marijuana convictions punishable by a year or more of incarceration (generally felonies, but not misdemeanors) may be considered by occupational licensing boards. ME. REV. STAT. ANN. TIT. 5, § 5301 (2006). Misdemeanor marijuana convictions may also be considered if directly-related to the trade or occupation. *Id.* Only recent convictions, within the last 3-10 years depending on the type of license sought, may be considered. ME. REV. STAT. ANN. TIT. 5, §§ 5301, 5303 (2006).

#### **Eligibility for Educational Loans**

Students in Maine with marijuana convictions are not receiving state financial aid. CHRIS MULLIGAN ET AL., FALLING THROUGH THE CRACKS: LOSS OF STATE-BASED FINANCIAL AID ELIGIBILITY FOR STUDENTS AFFECTED BY THE FEDERAL HIGHER EDUCATION ACT DRUG PROVISION 15 (Coalition for Higher Educ. Reform 2006), <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

#### **Driver's License**

Our research did not uncover any driver's license suspension provisions that are triggered by a non-vehicle-related marijuana conviction.

## **Collateral Punishments that Hinder Civic Participation**

### **Right to Vote**

A marijuana conviction does not bar a person from voting. All individuals are eligible to vote, including those incarcerated. ME. REV. STAT. ANN. TIT. 21-A, § 112(14) (2006).

### **Right to Sit on a Jury**

A marijuana conviction does not bar a person from serving on a jury. ME. REV. STAT. ANN. TIT. 14, § 1211 (2006).

### **Right to Possess a Firearm**

A felony marijuana conviction results in a lifetime loss of the right to possess a firearm, however, five years after final discharge from sentence the person may apply to have this right reinstated. ME. REV. STAT. ANN. TIT. 15, § 393 (2006). However, that person may not qualify for a concealed handgun license. *Id.*