

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

March 15, 1978

Honorable James L. Peakes  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Peakes:

I am responding to your oral request for an opinion on a question concerning the State Board of Examiners of Psychologists. Your question, which is asked to determine whether legislation may be necessary, is as follows:

"Does the State Board of Examiners of Psychologists have the statutory authority to issue licenses as either 'psychological examiner' or 'psychologist' which are limited to specialty categories within the general practice of psychology, e.g. general psychology, clinical psychology, experimental psychology, etc.?"

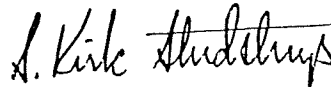
The answer to your question is negative for the reasons stated below.

The licensing of psychologists is governed by 32 M.R.S.A. Chapter 56 (§ 3811, et seq.). The definition of the practice of psychology is included in § 3811, which establishes the two levels of psychological practice noted in your question. This definition is quite broad, including, inter alia, any person who holds himself out to be a psychological examiner or psychologist. Section 3812 prohibits an individual from presenting himself as a psychologist to the public unless licensed as a psychologist, with certain exceptions for research personnel, visiting lecturers, students, and consultants. Penalties for unauthorized practice are set forth in § 3814. Therefore, it is clear that the Legislature intended Chapter 56 to be a comprehensive scheme for licensing all psychological examiners and psychologists in the State without regard for any specific area of specialization.

The procedures for registration, examination and licensing are set forth in subchapter III of Chapter 56. Under these provisions, the candidate must furnish the Board, among other things, evidence of a specified period of ". . . experience in psychology of a type considered by the board to be qualifying in nature. . . ." (§ 3831). However, this requirement is placed upon the applicant and does not give the Board authority to license by specialty, though it may determine what type of experience is qualifying in nature. Other provisions concerning issuance and refusal of a license make reference to the practice of psychology at particular "level." §§ 3834 and 3837. This reference to a "level" of psychology must be interpreted in light of the definition of the practice of psychology set forth in § 3811, and does not refer to areas of specialty within the practice.

In light of the foregoing, it is our opinion that the Board of Examiners of Psychologists does not have the statutory authority to limit licenses by areas of specialization. If such authority is desired, it would require appropriate legislative action.

Sincerely,



S. KIRK STUDSTRUP  
Assistant Attorney General

SKS:mfe

cc: Board of Examiners of Psychologists