

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND FOURTH LEGISLATURE

---

---

Legislative Document

No. 1212

S. P. 346

In Senate, March 5, 1969

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and 1,000 copies ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Conley of Cumberland.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

---

AN ACT to Provide for the Registration of Professional Social Workers.

---

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 32, c. 62, additional. The Revised Statutes are amended by adding a new chapter 62, to read as follows:

CHAPTER 62

SOCIAL WORKERS

SUBCHAPTER I

GENERAL PROVISIONS

§ 4171. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, the following definitions shall apply:

1. Board. "Board" shall mean the State Board of Social Worker Registration.

2. Registered or associate social worker. A "registered or associate social worker" is a person who presents himself to the public with any title including the term or words "registered" or "associate social worker" or any abbreviation thereof or the letters "R.S.W." or "A.S.W." and under such title or description gives or offers to give social work services to individuals, groups, agencies or corporations.

3. Social work. "Social work" means engaging in the practice of social casework, social group work, community organization, administration of a

social work program, social work education, social work research or any combination of these, in accordance with social work principles and methods. The purpose of social work is to help individuals, families, groups and communities to present or resolve problems caused by social or emotional stress.

#### § 4172. Privileged communications

A person duly registered as a registered or associate social worker under this chapter shall not be required to disclose a communication made by his client to him, or his advice given thereon, in the course of his professional employment, nor shall any clerk, stenographer or other person working for the same employer as the registered or associate social workers be allowed to disclose any such communication or advice given thereon, except:

1. Client. That a registered or associate social worker may disclose such information as the client may authorize;
2. Crime. That a registered or associate social worker shall not be required to treat as confidential a communication by a client which reveals the contemplation of a crime or harmful act;
3. Victim of crime. Where the client is a child under the age of 16 years and the information acquired by the registered or associate social worker indicates that the client has been the victim or subject of a crime, the registered or associate social worker may be required to testify fully in relation thereto upon any examination, trial or other proceeding in which the commission of such crime is a subject of inquiry;
4. Waiver. Where the client waives the privilege by bringing charges against the registered or associate social worker where such charges involve confidential communications between the client and the registered or associate social worker.

#### § 4173. Violations

Any person who shall represent himself to the public as a registered or associate social worker without being registered with and holding a current certificate from the board shall, upon conviction, be punished by a fine of not less than \$50 or more than \$500 for each such offense.

#### § 4174. Exemptions

Nothing in this chapter prevents any person from engaging in the practice of social work so long as he does not represent himself as or use the titles of "registered social worker" or "associate social worker."

### SUBCHAPTER II

#### STATE BOARD OF SOCIAL WORKER REGISTRATION

#### § 4175. State Board of Social Worker Registration created

There is created a State Board of Social Worker Registration which shall administer this chapter. The board shall consist of 7 members who shall be appointed by the Governor. The terms of office shall be for 3 years, except that in the appointment of the initial board 2 members shall be appointed for

one year, 2 members for 2 years, and 3 members for 3 years. All members shall hold office until their successors are appointed and qualified.

§ 4176. Qualifications

Members of the board shall be residents of this State, of good moral character and shall have been engaged in the active practice of social work as registered or associate social workers for not less than 5 years prior to appointment. Appointees to the initial board shall have been engaged in the active practice of social work for not less than 5 years prior to appointment and shall be qualified for certification as registered or associate social workers. No member of the board shall serve more than 2 terms as a board member. The Governor may remove any member for cause.

§ 4177. Compensation and expenses

No member of the board shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual travelling and incidental expenses necessarily incurred in carrying out this chapter.

§ 4178. Organization and meetings

The board shall annually elect a chairman, vice-chairman and secretary-treasurer from its membership. The secretary-treasurer shall keep full and complete records of its proceedings and accounts, which shall be open to public inspection at all reasonable times.

The board shall hold at least 2 regular meetings each year at such times and places as the board may prescribe. Special meetings may be held upon call of the chairman and any 2 members. Four members of the board shall constitute a quorum for the transaction of business.

The board shall adopt a seal for its use which shall remain in the custody of the secretary-treasurer.

§ 4179. Powers

The board shall have the authority to make such rules and regulations as are necessary to carry out its duties in accordance with this chapter.

### SUBCHAPTER III REGISTRATION

§ 4180. Registration required

In order to safeguard the life, health and welfare of the people of this State, any person or practicing or offering to practice as a registered or associate social worker shall be required to submit evidence that he is qualified to so practice and shall be registered as provided.

§ 4181. Qualifications

To be eligible for certification as a registered social worker or an associate social worker, an applicant must be at least 21 years of age, of good moral character and a resident of this State, and shall satisfactorily pass such examination as the board may prescribe by its rules and regulations.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration and certification as a registered or associate social worker, respectively:

1. Registered social worker. As a registered social worker:

A. Registration by endorsement. A person holding a certificate of registration as a registered social worker under the laws of another state, territory or possession of the United States, the District of Columbia or of any foreign country, who, in the opinion of the board, meets the requirements of this chapter, based upon verified evidence, may, upon application, be registered without further examination.

B. Graduation and examination. Applicants shall have received at least a master's degree in social work from a school of social work accredited by the Council on Social Work Education, and shall have passed the written examination prescribed by the board.

2. Associate social worker. As an associate social worker:

A. Graduation and examination. Applicants shall have at least a bachelor's degree from a recognized college or university, have been employed in social work for not less than 2 years, and have passed the written examination prescribed by the board.

Any person having the necessary qualifications prescribed in this chapter to entitle him to registration as a registered or associate social worker shall be eligible for such registration though he may not be practicing his profession at the time of making the application.

§ 4182. Registration without examination

Any person who within 6 months after the effective date of this chapter submits his application to the board on the prescribed form, pays the necessary fee and furnishes satisfactory evidence to the board that he is 21 years of age or over, of good moral character, a resident of this State, is employed as a social worker or was so employed for 2 years out of the preceding 5 years, shall be registered by the board and certified as a registered or associate social worker without examination. Any person in the Armed Forces of the United States on the effective date of this chapter, who was employed as a social worker prior to entrance into the Armed Forces, shall be certified as a registered or associate social worker without examination, provided he makes application for registration within 3 months after separation or release from the Armed Forces and provided he otherwise qualifies as set forth in this section.

§ 4183. Application; fees

Application for registration and certification as a registered or associate social worker shall be on a form prescribed and furnished by the board.

The registration fee for a registered social worker shall be established by the board in an amount not to exceed \$50, which fee shall accompany the application.

The registration fee for an associate social worker shall be established by the board in an amount not to exceed \$25, which fee shall accompany the application.

Should the board deny the issuance of a certificate of registration to any applicant, the fee shall be retained as an application fee.

#### § 4184. Examinations

Written examinations shall be held at such times and places as the board shall determine and shall be based on fundamental social work subjects as determined by the board.

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board in an amount not in excess of the original application fee. Any candidate for registration having an average grade of less than 50% in his written examination may not apply for reexamination for one year.

#### § 4185. Certificates

The board shall issue a certificate of registration to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter.

#### § 4186. Revocation and reissuance

The board shall have the power to revoke the registration of a registered or associate social worker for any of the following reasons:

1. Felony conviction. Conviction of a violation of a law by any court of competent jurisdiction which if committed within this State would constitute a felony under the laws of this State; or

2. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate of registration under this chapter or in connection with service rendered as a registered or associate social worker; or

3. Addiction. Addiction to the use of alcohol, morphine, opium, cocaine or other drugs having similar effect; or

4. Mental incompetency. A medical finding of mental incompetency; or

5. Aiding and abetting misrepresentation. Aiding or abetting a person, not duly certified as a registered or associate social worker, in representing himself as a registered or associate social worker in this State; or

6. Unprofessional conduct or negligence. Any gross negligence, incompetency or misconduct in the practice of professional social work.

Any person may prefer charges against any registered or associate social worker. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they have been preferred. The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or sent by certified mail to the last known address of such registrant, at least 30 days before the date set for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense.

If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered or associate social worker.

The board, for reasons it may deem sufficient, may reissue a certificate of registration as a registered or associate social worker to any person whose certificate of registration has been revoked, provided 3 or more members of the board vote in favor of such reissuance. A new certificate of registration as a registered or associate social worker, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board, and a charge of \$3 shall be made for such issuance.

#### § 4187. Expiration and renewals

Certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed. Annual fee for renewal of registration shall be set by the board in an amount not to exceed \$10, and shall be due and payable each year on or before the first day of January. The failure of any registrant to renew his certificate annually on or before the first day of January shall not deprive such person of the right of renewal, but the fee to be paid for the renewal certificate after January 31st shall be increased 10% for each month or fraction thereof that payment for renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Any person who fails to renew his registration for a period of 3 years or more shall be stricken from the rolls and his registration may be renewed only after meeting the requirements of this chapter.

A person registered under this chapter may, upon request, be placed in an inactive status category without fees, and may be reinstated to active status by paying the fees for the current year.

#### § 4188. Receipts and disbursements

The secretary-treasurer of the board shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of the State of Maine, who shall keep such moneys in a separate fund to be known as the "Registered and Associate Social Workers' Fund." The board may authorize such expenditures from said fund as are necessary for the purpose of administering and enforcing this chapter. The expenditures of the board shall not in any year exceed the amount of fees collected by the board for that year.