

# 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)

FIRST SPECIAL SESSION

---

---

ONE HUNDRED AND SIXTH LEGISLATURE

---

---

**Legislative Document**

**No. 2483**

---

---

H. P. 1943 House of Representatives, February 4, 1974  
Referred to Committee on Legal Affairs. Sent up for concurrence and  
ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Rolde of York.

---

---

**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

---

**AN ACT to Register Recreation Professionals.**

---

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

**Sec. 1. R. S., T. 5, § 151, amended.** The first sentence of section 151 of Title 5 of the Revised Statutes, as repealed and replaced by section 7 of chapter 544 of the public laws of 1967 and as amended, is further amended to read as follows:

All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the State Board of Funeral Service, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Certification for Geologists and Soil Scientists, the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the State Board of Architects, the Electricians' Examining Board, the Oil ~~Burner-men's~~ **Burner Men's** Licensing Board, the Penobscot Bay and River Pilotage Commission, the State Board of Barbers, State Board of Cosmetology, State Board of Registration for Land Surveyors, State Board of Social Worker Registration, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration, ~~and~~ the Board of Commissioners of the Profession of Pharmacy **and the State Board of Registration for Recreation Professionals** shall constitute a fund, which shall be a continuous carrying account for the

payment of the compensation and expenses of the members, the expenses of the board and for executing the law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.

Sec. 2. R. S., T. 30, c. 213, sub-c. VI, additional. Chapter 213 of Title 30 of the Revised Statutes is amended by adding a new subchapter VI to read as follows:

## SUBCHAPTER VI RECREATION PROFESSIONALS

### § 2412. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Board. "Board" means the State Board of Registration for Recreation Professionals, established under this subchapter.
2. Department. "Department" means the Department of Conservation.
3. Full time. "Full time" means at least 35 hours of paid employment per week in the public recreation field.
4. Recreation administrator. "Recreation administrator" means the full-time executive head or assistant to the executive head administering a public recreation program, or curriculum, or both.
5. Recreation leader. "Recreation leader" means a full-time person responsible for implementation of recreation activities.
6. Recreation professional. "Recreation professional" means a person employed full time to provide or render a professional service of public recreation who has been trained according to the standards set forth in this subchapter.
7. Recreation supervisor. "Recreation supervisor" means a full-time person responsible for the planning, organizing and supervising of a public recreation program.

### § 2413. State Board of Registration for Recreation Professionals

1. A State Board of Registration for Recreation Professionals is created in the department and consists of 4 members who shall be recreation professionals, 2 citizens at large and one municipal official, who shall be appointed by the Governor, with the advice and consent of the Executive Council.
2. Each member of the board designated as a recreation professional shall be a citizen of the United States, a resident of the State, have been engaged in the recreation profession for not less than 5 years and eligible for registration under this subchapter. The term of office of each member of the board shall be for 3 years, except that of the members first appointed, 3 shall be appointed for terms of one year, 2 for 2 years and 2 for 3 years. The Community Recreation Specialist of the Department of Conservation shall be an ex officio member. The Governor shall fill a vacancy on the board for an

unexpired term. The board shall not receive compensation for services but shall receive actual expenses in carrying out this subchapter.

§ 2414. Powers and duties

1. The board shall hold a regular annual meeting at which it shall elect from its membership a chairman, a vice-chairman and a secretary. The board may hold other regular meetings and special meetings at such times as the rules of the board shall provide or upon call of the chairman.

2. The board may make any rules and regulations, not inconsistent with law, as may be necessary in the performance of its duties. A quorum of the board shall consist of a majority of its members.

3. The board may classify and warrant registered public recreation professionals as to their qualifications for various fields of specialization, establish standards and criteria for specialty classifications and conduct qualifying examinations.

4. The board shall examine all applicants for registration for recreation professionals. The board may require the applicant to take a written or oral examination, or both. The board shall review all requests for certification and instruct the department to issue certificates to those applicants who have qualified.

5. The board may issue provisional registration to an applicant who does not meet the requirements for full registration, if he submits evidence that all requirements can be met within a 3-year period from date of application.

6. An applicant having at least one year of full-time recreation experience as of the effective date of this Act shall, upon application, be licensed in the category in which he is serving. This application process shall be completed within 90 days from the effective date of this Act.

§ 2415. Duties of the department

1. The department shall, at the direction of the board, issue appropriate certificates of registration to those applicants who have fulfilled the qualifications of this subchapter.

2. The department shall furnish necessary secretarial, clerical and staff assistance to assist the board.

3. The department may request of the board special meetings to bring information and other special data to the board.

4. The department shall receive all material pertaining to the board and to this subchapter.

§ 2416. Registration period and procedures; fee; renewal

1. Period

A. A person to whom a certificate is issued, who desires to represent himself to be a registered recreation professional, shall register for this purpose with the board.

B. The registration shall be for a 2-year period which shall begin on January 1st and shall end on December 31st of the following year.

C. On or before September 1st preceding the registration period, the board shall cause to be mailed to each individual who was registered for the preceding period a renewal registration application.

2. Fee. The fee for initial and renewal registration shall be set by the board and shall be treated in accordance with the terms of Title 5, section 151.

3. Renewal.

A. An applicant shall submit an application to the board every 2 years from the initial date of his original application. The applicant shall show evidence that he has received or attended advanced professional or technical training, or both, appropriate to professional development as determined by the board. If not so made, the regular fee shall be treated as an initial registration. In cases of renewal, the fee, for good cause and in the discretion of the board, may be remitted and compromised. Upon receipt of the proper fee and a properly executed registration application, the board shall instruct the department to issue a certificate of reregistration, which certificate shall set forth the date of its expiration.

B. On or about March 1st of every year, the department shall publish a list of registered recreation professionals in the State.

#### § 2417. Enforcement

1. The certificate of a registered recreation professional may be suspended or revoked by the board for just cause, after notice and hearing.

2. Notice shall be served either personally or by certified mail, return receipt requested, at least 10 days before hearing, to last known address and shall state the date and place of the hearing and set forth the grounds constituting the charges against the recreation professional. The registered recreation professional shall be given an opportunity to be heard in his defense either in person or by counsel and may produce witnesses and testify in his behalf. Minutes of the hearing shall be taken and preserved. The hearing may be adjourned from time to time. The board shall issue an order dismissing the charges, or suspending or revoking the certificate.

3. A person represents himself to be a registered recreation professional when he presents himself to the public with any title including the words registered recreation professional or any abbreviation thereof and under such title or description offers services to individuals, groups, agencies or corporations.

4. A person not a duly registered recreation professional who represents himself as a registered recreation professional or a person whose certificate has been suspended or revoked and who continues to represent himself as a registered recreation professional is guilty of a misdemeanor.

5. This subchapter shall not be construed to limit the activities, services and use of official titles by any person, but no title shall be used which in-

cludes the words registered recreation professional by a person not qualified to do so under this subchapter.

6. An employer shall not hire a person who is not registered pursuant to this subchapter. Provision shall be made by the board pursuant to section 2414, subsection 3 to allow for the registration of applicants not specifically trained for recreation, in cases where an employer may have difficulty securing the services of a registered recreation professional.

#### § 2418. Appeals

Appeals from order of the board shall be taken in the Superior Court of Kennebec County pursuant to Rule 80B of the Maine Rules of Civil Procedure.

#### STATEMENT OF FACT

The intent of this legislation is to establish the qualifications of persons employed in the field of public recreation to the end that the public shall not be improperly served by nonprofessional, unauthorized and unqualified recreation employees and that the public shall be protected against unprofessional conduct by persons certified as professional recreation personnel.