

MAINE STATE LEGISLATURE

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COX
R. of S

L.D. 1929

(Filing No. S- 640)

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**STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 730, L.D. 1929, Bill, "An Act to Amend the Counseling Licensing Laws"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. A-1. 32 MRSA c. 119, as amended, is repealed.

Sec. A-2. 32 MRSA §13851, sub-§4, as enacted by PL 1989, c. 465, §§3 and 5, is amended to read:

4. Conditional license. "Conditional license" means a license granted to an ~~individual who has met all the requirements~~ applicant for licensure as who has met all the requirements defined in section 13858 ~~and is in the process of obtaining 2 years of,~~ except for supervised experience beyond the master degree.

Sec. A-3. 32 MRSA §13851, sub-§§4-A and 7-A are enacted to read:

4-A. Counselor. "Counselor" means an individual who for a fee, monetary or otherwise, engages in any of the procedures of counseling defined in subsection 8.

7-A. Pastoral counselor. "Pastoral counselor" means an individual who is trained and certified to provide for a fee, monetary or otherwise, pastoral counseling, which is ministry to individuals, families, couples, groups, organizations and the general public involving the application of principles and procedures of counseling to assess and treat intrapersonal and interpersonal problems and other dysfunctional behavior of a social and spiritual nature, and to assist in the overall development and healing process of those served.

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2 **Sec. A-4. 32 MRSA §13852, sub-§§2, 5 and 7,** as enacted by PL
1989, c. 465, §§3 and 5, are amended to read:

4 **2. Members.** The board shall ~~consist~~ consists of 8 ~~13~~
members, ~~12 of them~~ appointed by the Governor. Each member shall
6 must be a citizen of the United States and a resident of this
State. ~~Six~~ Eight members shall be licensed counseling
8 professionals under this chapter, 2 of whom shall ~~must~~ be
professional counselors, 2 shall ~~must~~ be clinical professional
10 counselors and, 2 shall ~~must~~ be marriage and family therapists
and 2 must be pastoral counselors. Each member shall ~~must~~ have
12 been, for at least 5 years immediately preceding appointment,
actively engaged as a practitioner, educator or researcher. ~~Two~~
14 Three members shall ~~must~~ be representatives of the general public
and may not be currently practicing counseling or receiving
16 compensation for counseling services. One of the 3 public
members must be a consumer of counseling services. One member,
18 appointed by the Chancellor of the University of Maine System,
must be a member of the university faculty involved in the
20 training of counselors. A counselor currently not qualified for
licensure shall serve as an ex officio nonvoting member of the
22 board.

24 **5. Removal.** The Governor may remove any member of the
board for cause and the reason for the termination of each
26 appointment must be communicated to each member so terminated.
The appointment of any member of the board must be terminated if
28 a member is absent for 6 consecutive board meetings without good
and just cause that is communicated to the chair.

30 **7. Meetings; quorum.** The board shall hold at least 2
32 regular meetings each year. Additional meetings may be held upon
the call of the chair or the secretary or upon the written
34 request of any 2 board members. ~~Five~~ Seven members of the board
constitute a quorum.

36 **Sec. A-5. 32 MRSA §13853, sub-§§10 and 13,** as enacted by PL
38 1989, c. 465, §§3 and 5, are amended to read:

40 **10. Officers and secretary duties.** The board shall elect
from among its members a ~~secretary and other~~ officers as it deems
42 determines necessary. The secretary shall keep records and
minutes of all activities and meetings.

44 **13. Disclosure statements.** Under this chapter all
46 licensees shall ~~be~~ and registrants are required to provide
disclosure statements prior to treatments. The board may adopt,
48 by rule, a standard disclosure statement. This disclosure
statement shall ~~must~~ include, but not be limited to, the name and
50 address of the licensee or registrant, the original date and the
expiration date of the license, the proposed course of treatment
52 and financial arrangements for clients.

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2 The board shall ~~may~~ not refuse to renew a license for any reason
4 other than failure to pay a required fee, unless it has afforded
6 the licensee an opportunity for an adjudicatory hearing. The
8 board shall hold an adjudicatory hearing at the written request
10 of any person who is denied a license without a hearing for any
12 reason other than failure to pay a required fee, provided that
the request for a hearing is received by the board within 30 days
of the applicant's receipt of a written notice of the denial of
the application, the reasons ~~therefor~~ for and the right to
request a hearing. Hearings shall must be conducted in
conformity with the Maine Administrative Procedure Act, Title 5,
chapter 375, subchapter IV, to the extent applicable.

14 **Sec. A-6. 32 MRSA §13853, sub-§§14 and 15** are enacted to read:

16 14. Issue licenses. The board shall issue licenses as
18 necessary to implement this chapter.

20 15. Client bill of rights. The board shall specify the
22 information that counselors are to include in a client bill of
rights that is to be provided to all clients by all counselors.

24 **Sec. A-7. 32 MRSA §13854, sub-§1**, as enacted by PL 1989, c.
465, §§3 and 5, is amended to read:

26 **1. Licensing.** Effective October 1, 1990 ~~1992~~, no person
28 ~~may~~, unless specifically exempted by this chapter, ~~may-practice~~
~~counseling~~-or profess to be a clinical professional counselor,
30 professional counselor, marriage and family therapist, licensed
32 pastoral counselor or conditional license holder unless licensed
in accordance with this chapter.

34 **Sec. A-8. 32 MRSA §13855**, as enacted by PL 1989, c. 465, §§3
and 5, is amended to read:

36 **§13855. Psychological testing; assessment services**

38
40 Nothing in this chapter may be construed as permitting
42 clinical professional counselors, professional counselors,
marriage and family therapists, pastoral counselors or
conditional license holders to hold themselves out to the public
44 as psychologists or psychological examiners as defined in section
3811, subsection 1, or to offer primarily or solely the services
46 of psychological testing. The board shall adopt ethical
standards relating to the utilization of assessment techniques.

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2 **Sec. A-9. 32 MRSA §13856, sub-§§1 to 3**, as enacted by PL 1989,
c. 465, §§3 and 5, are amended to read:

4 **1. Other professionals.** Nothing in this chapter may be
6 construed to apply to the activities and services of members of
other professions licensed, certified or registered by the State
8 such as, but not limited to, psychiatrists, physicians,
psychologists, registered nurses, social workers and substance
10 abuse counselors performing counseling consistent with the laws
of the State governing their practices.

12 **2. Government and school employees.** Nothing in this
chapter may be construed to apply to the activities and services
14 of an employee or other agent of a recognized academic
institution; employee assistance program; a federal, state,
16 county or local government institution, program, agency or
facility; or a school committee, school district, school approved
18 for attendance purposes pursuant to Title 20-A, section 2901,
school board or board of trustees, provided that the individual
20 is performing those activities solely within the agency or under
the jurisdiction of that agency and provided further that a
22 license granted under this chapter is not a requirement for
employment.

24 **3. Clergy.** Nothing in this chapter may be construed to
26 apply to the activities and services of any priest, rabbi,
clergyman, including a Christian Science healer, or minister of
28 the gospel of any religious denomination when performing
counseling services as part of religious duties and in connection
30 with a specific synagogue or church of any religious denomination.

32 **Sec. A-10. 32 MRSA §13856, sub-§§7 to 10** are enacted to read:

34 **7. Management consultants.** Nothing in this chapter applies
to the activities and services of any management consultant when
36 performing services, counseling or otherwise, with clients other
than private individuals. Such clients include, but are not
38 limited to, for-profit and nonprofit corporations, partnerships,
sole proprietorships, academic institutions and governmental
40 entities.

42 **8. Educational and career consultants.** Nothing in this
chapter applies to the counseling activities of educational,
44 vocational or career consultants when performed as an adjunct to
their prime function of educational, vocational or career
46 consultation.

48 **9. Human resource and organizational developers.** Nothing
in this chapter applies to the counseling activities of human
50 resource developers and organizational developers when this
counseling is an adjunct to their prime function.

2 10. Other exemptions. Nothing in this chapter applies to
3 the activities and services of individuals who practice as
4 expressive art therapists, energy field workers, astrologers,
5 tarot card readers, psychic diviners, aromatherapists, crystal
6 workers, palm readers or practitioners of similar disciplines as
7 determined by the board.

8
9 **Sec. A-11. 32 MRSA §13857, as enacted by PL 1989, c. 465, §§3**
10 **and 5, is amended to read:**

11 **§13857. Comity**

12 The board may waive examination for an applicant licensed or
13 certified as a professional in counseling, clinical counseling
14 or marriage and family therapy, pastoral counseling or a
15 comparable field by another state whose requirements are
16 determined by the board to be at least equivalent to those
17 requirements in this chapter.

18 **Sec. A-12. 32 MRSA §13858, sub-§3-A is enacted to read:**

19 3-A. Licensed pastoral counselor. To be qualified as a
20 licensed pastoral counselor, an applicant must have:

21 A. Demonstrated to the satisfaction of the board adherence
22 to the standard ethics of the pastoral counseling profession;

23 B. Received a Master of Divinity degree from an accredited
24 institution or program approved by the board. Academic
25 preparation includes a minimum graduate core curriculum to
26 include 20 credit hours of counseling and human relations
27 and 400 hours of clinical pastoral education;

28 C. Two years of experience after attainment of the degree,
29 comprised of at least 1,000 hours of direct clinical contact
30 with individuals, couples and families;

31 D. Two hundred hours of supervision, including at least 1/3
32 of those hours with a certified pastoral counseling
33 supervisor, at least 30 hours of which must be
34 interdisciplinary, 30 hours of which must be individual
35 supervision by one supervisor of no more than 3 cases from
36 intake to termination, and 70 hours of which must be
37 individual supervision of multiple case material;

38 E. A call, appointment or charge by a church, synagogue,
39 religious order or other clearly defined legal religious
40 organization to perform these services as a function of
41 ministry; and

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2 F. Completed successfully the examination prescribed by the
board pursuant to subsection 5.

4 **Sec. A-13. 32 MRSA §13858, sub-§5**, as enacted by PL 1989, c.
465, §§3 and 5, is amended to read:

6
8 **5. Examination.** All applicants shall ~~be~~ are required to
10 pass a written examination in subjects the board deems necessary
12 to determine the fitness of the applicant to practice. The board
14 shall establish the passing score for all examinations.
16 Examinations ~~will~~ must be held at ~~such times as the board deems~~
18 necessary least twice a year. The examination must be graded
using established written base line scores for failure or
passage, be based on accepted counseling criteria and include
measurable and clearly defined procedures for grading the results
and issuing a pass or fail decision. Decisions on all
examinations must be in writing and include a grade and, whenever
possible, a summary of the criteria for the grade and an
explanation of the procedure for reexamination or appeal.

20 **Sec. A-14. 32 MRSA §13858, sub-§§6 and 7** are enacted to read:

22
24 **6. Existing counselors.** Those individuals who hold at
least a master's degree or its equivalent in counseling, an
allied mental health field, or in a behavioral or social science,
26 and were actively engaged as a counselor for at least 2 of the
preceding 5 years prior to January 1, 1990, are deemed to have
28 met all the requirements for licensure and may sit for the
examination.

30
32 **7. License not allowed.** Notwithstanding subsections 1 to
6, an individual whose license, certification or registration has
been revoked or suspended in this or any other state and in this
34 or any other related field, may not be licensed under this
section, unless the period of revocation or suspension has been
36 completed and the board has conducted a competency review and
determined that rehabilitation has taken place.

38
40 **Sec. A-15. 32 MRSA §13859, sub-§1, ¶A**, as enacted by PL 1989,
c. 465, §§3 and 5, is amended to read:

42 A. Original and renewal fees for clinical professional
44 counselor, professional counselor ~~or~~, marriage and family
counselor or pastoral counselor - \$300 biennially.

46 **Sec. A-16. 32 MRSA §13860, sub-§2**, as enacted by PL 1989, c.
465, §§3 and 5, is amended to read:

48
50 **2. Continuing education and supervision.** The board, by
rule, may establish continuing education and supervision

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requirements. Applicants for renewal of license must show proof of satisfying the continuing education requirements set forth by the board.

Sec. A-17. 32 MRSA §13861, sub-§§1 to 3, as enacted by PL 1989, c. 465, §§3 and 5, are amended to read:

1. Grounds. The board may suspend, revoke or refuse to renew a license or registration pursuant to Title 5, section 10004. In addition, the board may take any other action pursuant to Title 10, section 8003, subsection 5. The board's actions may be taken based on any of the following grounds:

A. The practice of fraud or deceit in obtaining a license or in registering under this chapter or in connection with service rendered within the scope of the license issued;

B. Habitual intemperance in the use of alcohol or the habitual use of narcotic, hypnotic or other drugs listed as controlled substances by the drug enforcement administration, which use has resulted in the licensee being unable to perform duties or perform those duties in a manner which would endanger the health or safety of the patients to be served;

C. A medical finding of mental incompetency;

D. Aiding or abetting a person not duly licensed under this chapter who represents that person as being so;

E. Incompetence in the practice of counseling. A licensee or registrant shall be deemed incompetent in the practice if the licensee or registrant has engaged in conduct which that evidences a lack of ability or fitness to discharge the duty owed by the licensee or registrant to a client, patient or the general public, or has engaged in conduct which that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which that person is licensed or registered;

F. Unprofessional conduct, which is the violation of any client bill of rights, standard of professional behavior or code of ethics adopted by the board;

G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice of counseling, or conviction of any crime for which incarceration for one year or more may be imposed;

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2 H. The licensee or registrant has had any professional or
occupational license revoked for disciplinary reasons, or
4 any application rejected for reasons relating to
untrustworthiness, within 3 years of the date of
application; or

6
8 I. Violation of any provisions of this chapter or any rule
of the board.

10 2. Procedure. Except as provided in Title 5, section
10004, ~~no~~ a license or registration may not be denied, suspended,
12 or revoked nor renewal or registration refused for the reasons
set forth in subsection 1, without prior written notice and
14 opportunity for hearing on that denial, suspension or
revocation. The burden of proof ~~shall be~~ is on the board in any
16 proceeding to suspend or revoke a license or registration. ~~No~~ A
license or registration may not be denied, suspended or revoked
18 under this section except by majority vote of the board.

20 3. Complaints. Any person may file a complaint with the
board seeking disciplinary action against the holder of a license
22 issued by the board or a person registered with the board.
Complaints shall must be in writing in a form prescribed by the
24 board by rule. If the board determines that a complaint alleges
facts that, if true, would require denial, revocation,
26 suspension, nonrenewal of a license, registration or other
disciplinary action, the board shall conduct a hearing pursuant
28 to the Maine Administrative Procedure Act, Title 5, chapter 375.
Whenever the board establishes that a complaint does not state
30 facts that warrant a hearing, the complaint may be dismissed.
Persons making complaints shall must be advised in writing of
32 each formal decision made by the board regarding that complaint.

34 Any individual whose license or registration has been denied,
suspended or revoked may apply to the board for licensure or
36 registration reinstatement one year after the date of the board's
original action. A competency review ~~shall be~~ is a condition of
38 reinstatement. The board shall determine the nature of this
review.

40
42 The board shall conduct its proceedings in accordance with the
provisions of Title 5, chapter 375, subchapter IV.

44 **Sec. A-18. 32 MRSA §13862, first ¶,** as enacted by PL 1989, c.
46 465, §§3 and 5, is amended to read:

48 Except at the request or consent of the client, no person
licensed under this chapter may be required to testify in any
civil or criminal action, suit or proceeding at law or in equity
50 respecting any information that the person licensed or registered
may have acquired in providing counseling services or marriage
52 and family therapy services to the client in a professional and

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2 contractual capacity if that information was necessary to enable
3 the licensee to furnish professional counseling services to the
4 client. When the physical or mental condition of the client is
5 an issue in that action, suit or proceeding or when a court in
6 the exercise of sound discretion ~~deems~~ determines the disclosure
7 necessary to the proper administration of justice, ~~no~~ information
8 communicated to or otherwise learned by that licensed or
9 registered person in connection with the provision of counseling
10 or marriage and family therapy services may not be privileged and
disclosure may be required.

12 **Sec. A-19. 32 MRSA §13863** is enacted to read:

14 **§13863. Registration**

16 **1. Registration.** No individual may engage in procedures of
17 counseling for a fee, monetary or otherwise, unless that
18 individual is licensed pursuant to section 13858 or registers
19 with the department pursuant to this section. Each individual
20 who is not licensed and who engages in procedures of counseling
21 shall register with the department every 2 years. Each
22 individual who registers shall fill out a form designed by the
23 board.

24 **2. Information required.** Each individual who registers
25 shall provide the following information on the form designed by
26 the board. The board shall compile this information and make it
27 available to the public upon request and for a fee that covers
28 the cost of making information available. The information that
29 must be provided includes:

30 **A. Name, address and telephone number of individuals**
31 **registering;**

32 **B. Major fields of training and expertise, including**
33 **degrees and professional certifications held and from where**
34 **they were conferred;**

35 **C. Method of billing and previous experience and policy**
36 **with regard to 3rd-party payments;**

37 **D. The fee schedule and provisions for pro bono work or**
38 **sliding scale modifications of the fee schedule; and**

39 **E. A description of the individual's practice.**

40 **3. Client bill of rights; code of ethics.** Each individual
41 who registers under this section shall sign, post and make a copy
42 available to each client of:

43 **A. The client bill of rights approved by the board;**

44

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2 B. The code of professional ethics approved by the board;
and

4 C. The name and telephone number of the board's complaint
officer and a description of the complaint process.

6
8 4. Registration fee. Each individual registering under
this section shall pay a registration fee, not to exceed \$50
biennially, established by the board for the purposes of the
10 administration of this section.

12 5. Registration not allowed. An individual, whose license,
certification or registration has been revoked or suspended in
14 this or any other state and in this or any related field, may not
register to practice in this State unless the period of
16 revocation or suspension has been completed and the board has
conducted a competency review and determined that rehabilitation
18 has taken place.

20 6. Disciplinary action. Any individual who is registered
under this section is subject to the provisions of section 13861.

22
24 7. Registration not certification. Registration does not
imply or certify in any way that the registrant has met any
standards or criteria of education or training.

26
28 **Sec. A-20. PL 1989, c. 465, §5 is repealed.**

30 **Sec. A-21. Transition provisions.** Of the 4 additional
32 appointments to be made by the Governor under the Maine Revised
34 Statutes, Title 32, section 13852, subsection 2, the Governor
36 shall appoint one for a term of one year, one for a term of 2
38 years and 2 for terms of 3 years. The term of the member
appointed by the Chancellor of the University of Maine System is
for a term of 2 years. The appointment of the successors to
these members is in accordance with Title 32, section 13852,
subsection 4.

40 **Sec. A-22. Effective date.** Section A-1 of this Act takes effect
42 October 1, 2000. The Maine Revised Statutes, Title 32, section
44 13853, subsection 14, enacted in section A-6 of this Act, takes
effect January 1, 1991. Section A-19 of this Act takes effect
October 1, 1992.

46 **PART B**

48 **Sec. B-1. Commission established.** The Commission on
Nontraditional Counselor Regulation is established.

50 **Sec. B-2. Commission membership.** The commission shall
52 consist of 5 members as follows: 2 members of the Joint Standing
Committee on Business Legislation; one member of the Senate

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2 appointed by the President of the Senate and one member of the
House of Representatives appointed by the Speaker of the House of
Representatives; one representative of the Coalition of
4 Professional Counselors appointed by that organization; one
representative of the Maine Network for Associated Professional
6 Practitioners appointed by that organization; and the Director of
the Division of Licensing and Enforcement, Department of
8 Professional and Financial Regulation, who shall be a nonvoting
member.

10
12 All appointments must be made no later than 15 days
following the effective date of this Act. The appointing
authorities shall notify the Executive Director of the
14 Legislative Council upon making their appointments.

16 **Sec. B-3. Selection of chair.** The legislative members of the
commission shall act as chairs of the commission.

18
20 **Sec. B-4. Convening of commission.** The chairs of the
commission shall convene their first meeting no later than 30
days after the effective date of this Act.

22
24 **Sec. B-5. Responsibilities.** The commission has the following
responsibilities.

26 1. The commission shall determine the following:

28 A. The standards for the licensing of nontraditionally
educated counselors, including education and supervision; and

30 B. Measures for assisting consumers in making educated
32 choices in selecting a counselor and for protecting the
health, safety and welfare of Maine citizens.

34
36 2. The commission shall explicitly recommend the
qualifications required for licensing nontraditionally educated
counselors to include the following:

38 A. The degree required, the major field of study, specific
40 course requirements, the number of years in which the degree
must be obtained, whether there is a residency requirement,
42 whether the granting institution must be accredited and
what, if anything, may be considered an equivalent for this
44 requirement;

46 B. The amount and type of supervised experience, the amount
of unsupervised experience required and the time period in
48 which these must be obtained; and

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2 C. Examination requirements including whether the
examination is written, oral or a combination of both, the
4 content or source and measurable and clearly defined
procedures for grading and pass or fail decisions.

6 3. In examining these questions the commission shall:

8 A. Hold no more than 4 meetings;

10 B. Recommend specific legislation and in so doing, avoid
unspecific terms such as "its equivalent" and "as determined
12 by the board";

14 C. Seek out other types of counselors that might be
affected by this legislation and take their needs into
16 account in developing the recommendations; and

18 D. Provide responses to the conditions posed in the Maine
Revised Statutes, Title 5, section 12015, subsection 3.

20

22 **Sec. B-6. Staffing.** If staffing assistance is desired, the
commission shall request staffing from the Legislative Council.

24 **Sec. B-7. Compensation of members.** The members of the
commission who are Legislators are entitled to receive the
26 legislative per diem as defined in the Maine Revised Statutes,
Title 3, section 2 for each day's attendance at commission
28 meetings. Other members of the commission are not entitled to
compensation. Compensation may not be paid to other Legislators
30 to attend meetings to participate in, or review the findings of,
the commission.

32

34 **Sec. B-8. Recommended legislation.** The commission shall
present recommended legislation to the First Regular Session of
the 115th Legislature prior to the cloture date and shall make
36 its findings available to the Joint Standing Committee on
Business Legislation by that date. If staffing is provided by
38 the Legislative Council, the commission shall complete its work
by October 1, 1990, and submit its legislation by November 1,
40 1990.

42 **Sec. B-9. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

2

1990-91

4

LEGISLATURE

6

**Commission on Nontraditional
Counselor Regulation**

8

Personal Services	\$440
All Other	600

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16

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Provides funds for the per diem and expenses of the 2 legislative members of the Commission on Nontraditional Counselor Regulation and a report to be submitted to the Joint Standing Committee on Business Legislation during the First Regular Session of the 115th Legislature.

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**LEGISLATURE
TOTAL**

\$1,040

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Sec. B-10. Legislative intent. It is the intent of the Legislature to establish a set of standards for licensing counselors. The Legislature recognizes that there are traditional and nontraditional approaches to counseling and has established in this chapter licensing requirements for individuals with advanced degrees who meet established criteria, registration requirements for individuals who counsel but do not meet licensing requirements and exemptions for activities outside of the counseling profession. The Legislature recognizes the public's right to choose traditional or nontraditional counseling professionals.

36

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Sec. B-11. Sunrise provisions. The Joint Standing Committee on Business Legislation has determined that the provisions of this Act do not substantially expand the scope of the functions or practices regulated by the Board of Counseling Professionals Licensure and do not bring this Act under the requirements of the Maine Revised Statutes, Title 5, section 12015, subsection 3.

42

FISCAL NOTE

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This bill appropriates \$1,040 from the General Fund in fiscal year 1990-91 to fulfill the requirements of the Commission on Nontraditional Counselor Regulation. The Legislative Council will be able to absorb the cost of providing staff assistance to the commission if requested.

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2 This bill also has an indeterminate effect on dedicated
revenue to the Board of Counseling Professionals Licensure.'

4
6 **STATEMENT OF FACT**

8 This amendment makes the following changes in the original
bill.

10 1. It includes a section clarifying that the Legislature
12 recognizes traditional and nontraditional schools of counseling
and the consumer's right to choose.

14 2. It adds a definition of counselor and pastoral counselor.

16 3. It adds a pastoral counselor, university professor and
18 consumer member to the board and defines public member. It adds
an ex-officio, nonvoting, nontraditional member to the board.

20 4. It adds a time frame for making new appointments.

22 5. It adds a section that requires notification to board
24 members who are removed regarding the cause and language that
unapproved absences can result in termination.

26 6. It conforms the language regarding election of officers
28 with earlier language requiring the selection of a chair.

30 7. It adds registration for nontraditional counselors.

32 8. It changes the compliance date to 1992 and prohibits the
formal issuance of licenses prior to January 1991.

34 9. It clarifies that counselors are not psychologists.

36 10. It exempts management consultants, organizational
38 developers, human resource developers, energy workers,
astrologers, tarot card readers, psychic diviners,
40 aromatherapists, crystal workers, palm readers, expressive art
therapists and Christian Science healers and grants authority to
42 the board to create additional exemptions.

44 11. It defines the requirements for licensure as a pastoral
counselor.

46 12. It tightens examination requirements, including written
48 and measurable testing standards, notification to test takers,
clearly defined pass or fail criteria and an appeals process.

50 13. It adds a grandfather clause that allows currently
52 practicing counselors to take the examination.

BUS.

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2 14. It denies registration or licensure to individuals
whose license or registration has been suspended by another
4 entity until the board may conduct a competency hearing.

6 15. It clarifies what is needed for registration and adds a
registration fee of \$50 biennially.

8 16. It creates the Commission on Nontraditional Counselor
10 Regulation to develop legislation creating standards for
regulating nontraditionally educated counselors. The commission
12 is to consist of 2 Legislators and one representative from each
group representing traditional and nontraditional counselors.
14 Legislators are to receive per diem. Other members are to
receive no compensation. The commission is to make an informal
16 report available to the Joint Standing Committee on Business
Legislation by November 1, 1990, and meet with the committee
18 during the session to discuss its findings and recommended
legislation.

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Reported by Senator Hobbins for the Committee on Business
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