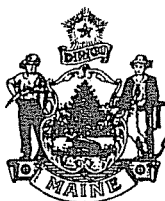


MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1501

S.P. 490

In Senate, May 13, 1993

An Act to Modify Various Licensing Board Laws.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.
Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representatives: LIBBY of Kennebunk, REED of Dexter, THOMPSON of Lincoln, VIGUE of Winslow.

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

2
3 **Sec. 1. 3 MRSA §927, sub-§5, ¶B,** as corrected by RR 1991, c.
4 2, §3, is amended to read:

6 B. Independent agencies:

8 (1) Board of Chiropractic ~~Examination and Registration~~
9 Licensure;

10 (2) Board of Dental Examiners;

12 (3) Nursing Home Administrators Licensing Board;

14 (4) Board of Registration in Medicine;

16 (5) State Board of Nursing;

18 (6) State Board of Optometry;

20 (7) Board of Osteopathic Examination and Registration;

22 (8) Board of the Maine Children's Trust Fund;

24 (9) Examiners of Podiatrists;

26 (10) Maine Medical Laboratory Commission;

28 (11) State Planning and Advisory Council on
30 Developmental Disabilities;

32 (12) Maine Committee on the Problems of the Mentally
34 Retarded; and

36 (13) Governor's Committee on Employment of People with
 Disabilities.

38 **Sec. 2. 5 MRSA §151, first ¶,** as repealed and replaced by PL
40 1987, c. 395, Pt. A, §16, is amended to read:

42 All money received by the Treasurer of State from the Board
44 of Registration in Medicine, the Board of Examiners in Physical
46 Therapy, the Board of Examiners of Psychologists, the State Board
48 of Nursing, the Board of Accountancy, the Board of Veterinary
50 Medicine, the Board of Osteopathic Examination and Registration,
52 the State Board of Funeral Service, the State Board of 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 Nursing Home Administrators
Licensing Board, the State Board of Licensure for Architects and
Landscape Architects, the Electricians' Examining Board, the Oil
and Solid Fuel Board, the Maine State Pilotage Commission, the

2 State Board of Barbers, the State Board of Cosmetology, the State
3 Board of Registration for Land Surveyors, the State Board of
4 Social Worker Registration, the Examiners of Podiatrists, the
5 Board of Chiropractic ~~Examination and Registration~~ Licensure, the
6 Board of Examiners on Speech Pathology and Audiology, the Maine
7 Real Estate Commission, the Board of Commercial Driver Education,
8 the Board of Registration of Dietetic Practice, the State Board
9 of Registration for Professional Foresters, the Board of Hearing
10 Aid Dealers and Fitters, the Manufactured Housing Board, the
11 Board of Occupational Therapists, the Radiologic Technology Board
12 of Examiners, the Board of Registration of Substance Abuse
13 Counselors, the Maine Athletic Commission, the Board of
14 Underground Oil Storage Tank Installers and the Board of
15 Commissioners of the Profession of Pharmacy ~~shall--constitute~~
16 constitutes a fund, which ~~shall--be~~ is a continuous carrying
17 account for the payment of the compensation and expenses of the
18 members, the expenses of the board and for executing the law
19 relating to each board respectively and as much ~~thereof~~ of the
20 money as may be required is appropriated for these purposes. The
21 secretary of each board shall must be reimbursed for all
22 expenditures for books, stationery, printing and other necessary
23 expenses incurred in the discharge of ~~his~~ the secretary's duties.
24 All such payments shall must be made from the respective funds
25 held in the State Treasury, after the approval of the State
26 Controller. In no event may these payments exceed the amounts
27 received by the Treasurer of State from the treasurer of each
28 respective board. Any balance remaining to the credit of any
29 board at the end of any year ~~shall--be--carried~~ carries forward to
30 the next year.

31 **Sec. 3. 5 MRSA §5301, sub-§2, ¶E,** as enacted by PL 1989, c.
32 84, §1, is amended to read:

33 E. Convictions for which incarceration for less than one
34 year may be imposed and ~~which~~ that involve sexual misconduct
35 by an applicant or licensee of the Board of Registration in
36 Medicine, the Board of Osteopathic Examination and
37 Registration, the Board of Dental Examiners, the State Board
38 of Examiners of Psychologists, the State Board of Social
39 Worker Licensure, the Board of Chiropractic ~~Examination and~~
40 ~~Registration~~ Licensure, the State Board of Examiners in
41 Physical Therapy and the State Board of Nursing.

42 **Sec. 4. 5 MRSA §5303, sub-§2,** as enacted by PL 1989, c. 84,
43 §3, is amended to read:

44 **2. Ten-year limits.** For applicants to and licensees and
45 registrants of the Board of Registration in Medicine, the Board
46 of Osteopathic Examination and Registration, the Board of Dental
47 Examiners, the State Board of Examiners of Psychologists, the
48 State Board of Social Worker Licensure, the State Board of
49 Nursing, the Board of Chiropractic ~~Examination and Registration,~~
50

2 Licensure and the State Board of Examiners in Physical Therapy,
the following shall-apply applies.

4 A. The procedures outlined in sections 5301 and 5302 for
the consideration of prior criminal conviction as an element
6 of fitness to practice a licensed profession, trade or
occupation shall apply within 10 years of the applicant's or
8 licensee's final discharge, if any, from the correctional
system.

10 B. Beyond the 10-year period, ex-offender applicants or
12 licensees with no additional convictions shall must be
considered in the same manner as applicants or licensees
14 possessing no prior criminal record for the purposes of
licensing decisions.

16 C. There is no time limitation for consideration of a
18 registrant's, an applicant's or a licensee's conduct which
that gave rise to the criminal conviction if that conduct is
20 otherwise a ground for disciplinary action.

22 **Sec. 5. 5 MRSA §12004-A, sub-§8,** as enacted by PL 1987, c.
786, §5, is amended to read:

24 8. Board of \$25/Day 32 MRSA §501
26 Chiropractic Examination
and-Registration
28 Licensure

30 **Sec. 7. 10 MRSA §8001, sub-§33,** as repealed and replaced by PL
1991, c. 548, Pt. B, §1, is amended to read:

32 33. Board of Chiropractic Licensure. Chiropractic
34 Examination-and-Registration Licensure, Board of;

36 **Sec. 10. 32 MRSA §63-A, sub-§1,** as amended by PL 1991, c. 341,
§3, is further amended to read:

38 1. **Membership.** The Nursing Home Administrators Licensing
40 Board, as established by Title 5, section 12004-A, subsection 23,
consists of 8 7 members appointed by the Governor. The members
42 must be citizens of the United States and residents of this
State. ~~One member must be a hospital administrator with not less~~
44 ~~than 5 years of active practice in the State as a hospital~~
~~administrator.~~ One member must be a registered nurse with not
46 less than 5 years of active practice in nursing homes in the
State. Two members must be representatives of the public. Three
48 members must be administrators of nursing homes with not less
than 5 years of active experience in the State. One member must
50 be an administrator of an intermediate care facility for the
mentally retarded with not less than 5 years of active practice
52 in that capacity.

2 **Sec. 11. 32 MRSA §501**, as amended by PL 1991, c. 392, §2, is
4 further amended to read:

6 **§501. Membership; qualifications; term; removal**

8 The Board of Chiropractic Examination--and--Registration
10 Licensure, as established by Title 5, section 12004-A, subsection
12 8, and in this chapter called the "board," consists of 7 persons
14 appointed by the Governor. These persons must be residents of
16 this the State, 5 must be graduates of --a- legally chartered
18 chiropractic school schools, college colleges or university
20 universities having the power to confer degrees in chiropractic,
22 and must be have been at the time of their appointment actively
24 engaged in the practice of their profession for a period of at
26 least 3 years in this the State. Two members must be
28 representatives of the public. Each appointment is for the a
period of 3 years as ~~the terms of the present members expire~~. A
member may not serve more than 3 consecutive terms, exclusive of
the minority portion of an unexpired term. Any A vacancy in the
board caused by death, resignation or for any other cause, except
completion of a full term of service, must be filled by the like
appointment of a person qualified to hold office during the
unexpired term of the member whose place that person fills. Any A
member of the board may be removed from office for cause by the
Governor. Compensation of members of the board is in accordance
with the provisions of Title 5, chapter 379.

30 **Sec. 12. 32 MRSA §503-A, sub-§1**, as amended by PL 1991, c.
32 392, §4, is repealed.

34 **Sec. 13. 32 MRSA §503-B** is enacted to read:

36 **§503-B. Complaints**

38 The board may order an investigation of a complaint on its
40 own motion or on written complaint filed with the board regarding
noncompliance with or violation of this chapter or rules adopted
by the board.

42 **Sec. 14. 32 MRSA §1203, 2nd ¶**, as amended by PL 1983, c. 204,
44 §3, is further amended to read:

46 Applications for a first examination shall must be received
48 by the board at least 15 days prior to a scheduled meeting of the
50 board. ~~Any person failing to pass his first such~~ An applicant who
has failed the examination shall ~~be reexamined at any subsequent~~
meeting of the board, within one year of such first is permitted
to take the examination again as often as necessary, upon timely
payment of an additional examination fee ~~of 1/2 of the regular~~
~~application fee as set forth in this section and thereafter shall~~

2 ~~be examined as often as he may desire, upon payment of the full~~
3 ~~application fee for each examination.~~

4 **Sec. 15. 32 MRSA §1660-A, sub-§2**, as amended by PL 1983, c.
5 413, §82, is further amended to read:

6 **2. Membership.** Members of the board shall ~~shall~~ must be
7 residents of the State. The board ~~shall consist~~ consists of 5 the
8 following 9 members: five licensed hearing aid dealers and
9 fitters, one licensed physician, one licensed audiologist, ~~one~~
10 ~~member of the Maine Committee on Aging,~~ and ~~one representative~~ 2
11 representatives of the public. Each hearing aid dealer and fitter
12 on the board shall ~~shall~~ must have had not less than 5 years of
13 experience and shall hold a valid license as a hearing aid dealer
14 and fitter, as provided under this chapter.

15 **Sec. 16. 32 MRSA §1660-A, sub-§3**, as repealed and replaced by
16 PL 1983, c. 413, §83, is amended to read:

17 **3. Appointment; term of office; chair.** All members of the
18 board shall ~~be~~ are appointed by the Governor. The term of office
19 of each member shall ~~be~~ is for 3 years, except that the terms of
20 3 members shall expire each calendar year and appointments for
21 terms of less than 3 years may be made in order to comply with
22 this limitation. ~~No~~ A person may ~~be eligible to~~ not serve more
23 than 3 full consecutive terms, provided that for this purpose
24 only a period actually served which ~~that~~ exceeds 1/2 of the
25 3-year term shall ~~be~~ is deemed a full term. Upon expiration of a
26 member's term, ~~he shall serve~~ that member serves until ~~his~~ that
27 member's successor is qualified and appointed. The successor's
28 term shall ~~be~~ is 3 years from the date of the expiration, A
29 vacancy in the office of a member shall be is filled by
30 appointment by the Governor for the unexpired term. A board
31 member may be removed by the Governor for cause. At the first
32 meeting in each calendar year, the members of the board shall
33 designate one such member to serve as ~~chairman~~ chair and another
34 to serve as ~~secretary-treasurer~~ secretary and treasurer.

35 **Sec. 17. 32 MRSA §2311, sub-§10**, as enacted by PL 1979, c.
36 569, §4, is repealed and the following enacted in its place:

37 **10. Solid fuel.** "Solid fuel" means coal, wood and other
38 similar organic materials or any combination of them.

39 **Sec. 18. 32 MRSA §2317**, as amended by PL 1983, c. 413, §116,
40 is further amended to read:

41 **§2317. Violations**

42 Any A person, firm or corporation who ~~that~~ that makes an oil or
43 solid fuel burner installation without having first obtained a

2 license, as provided by this chapter; any a person, firm or
3 corporation who that employs an unlicensed person, unless the
4 work is exempted by this chapter; any a person who procures any a
5 license wrongfully or by fraud; or any a person, firm or
6 corporation who that violates the provisions of this chapter, or
7 rules or regulations ~~promulgated thereunder, or~~ standards adopted
8 by the board, ~~commits a civil violation for which a forfeiture of~~
9 ~~net less than \$100 nor more than \$500 may be adjudged~~ is guilty
10 of a Class E crime.

11
12 The State may bring an action in Superior Court to enjoin
13 any a person from violating this chapter, regardless of whether
14 proceedings have been or may be instituted in the Administrative
15 Court or whether criminal proceedings ~~to impose a civil~~
16 ~~forfeiture~~ have been or may be instituted.

17 **Sec. 19. 32 MRSA §3111, sub-§7, as amended by PL 1983, c. 468,**
18 **§9, is repealed.**

19 **Sec. 20. 32 MRSA §3280, as amended by PL 1991, c. 425, §§22**
20 **to 24, is repealed.**

21 **Sec. 21. 32 MRSA §3280-A is enacted to read:**

22
23 **§3280-A. Biennial renewal of license registration;**
24 **qualification; fees; reinstatement after lapse**

25
26 **1. Renewal of license registration.** A physician registered
27 pursuant to section 3271 or 3275 shall apply to the board for
28 reregistration using application forms and submitting supporting
29 documents required by the board. The board shall provide to
30 every physician whose application is approved and accepted a
31 certificate of license registration, which is valid for no longer
32 than 2 years.

33
34
35 **A. Beginning January 1, 1994, regardless of the date of**
36 **initial licensure or last registration renewal, the**
37 **registration of the license of every physician born in an**
38 **even-numbered year expires at midnight on the last day of**
39 **the month of the physician's birth in 1994. The**
40 **registration of the license of every physician born in an**
41 **odd-numbered year expires at midnight on the last day of the**
42 **month of the physician's birth in 1995. The certificates of**
43 **license that expire on June 30, 1994 that were issued by the**
44 **board on or after June 30, 1992 and are in effect on January**
45 **1, 1994 must be adjusted accordingly. After January 1,**
46 **1994, the registration of a physician's license issued**
47 **pursuant to this section must be renewed by application to**
48 **the board on forms prescribed and supplied by the board.**

49
50
51 **B. At least 60 days prior to expiration of a current**
52 **registration, the board shall mail to each licensee at the**

2 licensee's last known address a notice of the requirement to
3 renew the license registration with appropriate application
4 forms for the renewal. Whenever a licensee fails, before
5 the expiration of the licensee's current registration, to
6 return to the board a completed application either to renew
7 registration or to withdraw from registration, the board
8 shall notify the licensee at the licensee's last known
9 address that the registration is past due. Thirty days
10 after the notice has been sent, if the application has not
11 been made or returned by the United States Postal Service as
12 undeliverable, the board shall notify the licensee by
13 certified mail, return receipt requested, that the
14 licensee's license has been administratively suspended for
15 30 days, at the end of which period, if the reregistration
16 application has not been made, the license lapses
17 automatically and the board may not restore the license
18 prior to completion of reinstatement proceedings described
19 in subsection 4.

20 2. Qualification for registration renewal. The primary
21 intent of the requirement for biennial license registration
22 renewal is to permit the board to ascertain, at least every 2
23 years, the current qualification for medical practice of each
24 licensed physician. Prior to affirmation of registration
25 renewal, the board shall:

26
27 A. Inquire of the licensee and may inquire of other sources
28 regarding all matters the board determines appropriate
29 related to qualification for licensure. These matters may
30 include, but are not limited to, confirmation of health
31 status, professional standing and conduct, professional
32 liability claims history and license status in other
33 jurisdictions. The board shall, after affording the
34 licensee due process, deny renewal of license registration
35 if the board finds that cause, as set forth in section
36 3282-A, exists that may be considered grounds for suspension
37 of license; and

38
39 B. Require that every licensee seeking renewal of
40 registration with the intent of conducting active medical or
41 surgical practice in the State include with the licensee's
42 renewal application evidence satisfactory to the board that
43 during the 24 months immediately preceding application the
44 licensee has completed a course of continuing medical
45 education as prescribed in the rules of the board. A
46 physician permanently licensed pursuant to section 3271 or
47 3275 may not actively engage in the practice of medicine in
48 this State in any degree, including advising or prescribing
49 medication for self, friends or family with or without
50 charge, unless the board has found the licensee qualified by
continuing medical education and has marked the current

2 certificate of license registration with the designation
3 "active."

4 **3. Fees.** The following fees apply to license registration.

6 A. The board may charge a fee of not more than \$265 to all
7 applicants for license registration renewal who have not
8 attained 70 years of age on the date renewal becomes due.
9 An application processing fee is not required for an
10 application to withdraw from registration but all fees in
11 arrears must be paid for withdrawal from registration in
12 good standing.

14 B. In addition to the application processing fee, the board
15 may require payment of a late application fee of not more
16 than \$100 from all licensees, regardless of age, applying
17 for renewal after the date of mailing by the board of the
18 notice of administrative license suspension. The board may
19 also require payment of the late application fee by an
20 applicant who submits a timely application and is under 70
21 years of age at the time the application is due but to whom
22 the board must write to inform the licensee that the
23 application is not complete and that the board is not able
24 to renew, evaluate and decide on the licensee's renewal
25 qualification. Applications received without the required
26 registration fee are considered incomplete and the applicant
27 is subject to a late fee.

28 C. The board may prorate the fee for biennial registration
29 for physicians who have been initially licensed within the
30 past 12 months. The manner of proration, if done, must be
31 explained in the board's published schedule of fees. The
32 board may waive all or a portion of the established
33 registration fee upon receipt of a request for waiver based
34 on hardship or other special circumstance. Any waiver
35 request granted and the basis for the waiver must be
36 recorded in the minutes of the board's proceedings.

38 D. Unless received and deposited to the board's account in
39 error and in violation of this section, a registration or
40 late fee paid to the board is not refundable if the board or
41 the board's staff have commenced processing of the
42 application, regardless of the board's action on the
43 application.

46 **4. Reinstatement after lapse.** A physician may be
47 reinstated after the lapse of a license under the following
48 conditions.

50 A. A license that has lapsed pursuant to subsection 1,
51 paragraph B may be reinstated upon application by the
52 physician on forms provided by the board. A physician whose

2 license has lapsed for more than 5 years must apply for a
3 new license in order to practice medicine or surgery in the
4 State.

6 B. When applying for reinstatement, the licensee shall
7 state the reason why the license lapsed and pay all fees in
8 arrears at the time of lapse plus the current registration
9 fee and a nonrefundable reinstatement application processing
10 fee of \$100.

12 C. The board may not reinstate a lapsed license without a
13 finding that there exists no cause, as set forth in section
14 3282-A, that may be considered a ground for discipline if
15 the license was still in force. Before reaching a
16 conclusion that no cause exists, the board shall conduct the
17 inquiries required by subsection 2, paragraph A for
18 applications for renewal registration. In addition, the
19 board may not reinstate the license of any physician who has
20 not provided evidence satisfactory to the board of having
21 actively engaged in the practice of medicine or surgery
22 continuously for at least the past 12 months under the
23 license of another jurisdiction of the United States or
24 Canada unless the applicant has first satisfied the board of
25 the applicant's current competency by passage of written
26 examinations or practical demonstrations as the board may
27 from time to time prescribe for this purpose through
28 rulemaking.

30 **Sec. 22. 32 MRSA §3297, last ¶,** as enacted by PL 1987, c. 719,
31 is amended to read:

32 The Board of Registration in Medicine, the Board of
33 Osteopathic Examination and Registration, the Board of Examiners
34 of Podiatrists and the Board of Chiropractic Examination--and
35 Registration Licensure shall enforce the provisions of this
36 section and shall inform each licensee of ~~their~~ the licensee's
37 obligation under this law. Each board shall ~~have the authority~~
38 to ~~may~~ discipline a licensee under its jurisdiction for failing
39 to comply with this section and shall ~~have the authority to~~ may
40 impose a monetary penalty of not less than \$100 and not more than
41 \$1,000 for each violation.

42 **Sec. 23. 32 MRSA §3301, sub-§3,** as amended by PL 1987, c. 597,
43 §5, is further amended to read:

44 **3. Journeyman plumber.** "Journeyman plumber" shall--mean--any
45 means a person who customarily performs the work of installing
46 plumbing and drainage under the employment and direction of a
47 master plumber or,--not-being. A journeyman plumber may employ or
48 contract for a master plumber,--does--plumbing--repair--work--as--a
49 regular--part--time--occupation to provide direction for all

2 installations. The biennial fee for a journeyman plumber's
license shall may not exceed \$75.

4 **Sec. 24. 32 MRSA §3501, sub-§2, ¶B**, as amended by PL 1989, c.
443, §89, is further amended to read:

6
8 B. A minimum of 2,000 hours of work in the field of
plumbing installations as a journeyman-in-training under the
supervision of a master plumber, ~~provided that~~ if the work
10 experience is obtained within 4 years of the date upon which
the applicant was issued a journeyman-in-training license. A
12 journeyman-in-training license shall must be issued upon
sworn application ~~therefor~~ for a journeyman-in-training
14 license to any person who has satisfactorily completed one
academic year of instruction in plumbing at a Maine
16 technical college in the State and who has obtained a
passing grade, as determined by the board, on the
18 journeyman's examination. ~~Any person who is enrolled in a~~
~~course of instruction in plumbing at a Maine~~
20 ~~vocational technical institute on July 1, 1983, may be~~
~~licensed as a journeyman upon successful completion of that~~
22 ~~course of instruction and passage of the journeyman's~~
~~examination.~~

24 **Sec. 26. 32 MRSA §4853, sub-§1-A** is enacted to read:

26 **1-A. Animal health assistant.** "Animal health assistant"
28 means a person employed in a veterinary facility to assist a
licensed veterinarian or a licensed veterinary technician, but
30 who has neither had the formal training required for licensure
nor passed the required examination for licensure as a veterinary
32 technician.

34 **Sec. 27. 32 MRSA §4853, sub-§2**, as enacted by PL 1975, c. 477,
§4, is repealed.

36 **Sec. 28. 32 MRSA §4853, sub-§§4-A, 4-B, 8-A and 11** are enacted
38 to read:

40 **4-A. Direct supervision.** "Direct supervision" means any
time when a supervisor is on the premises and is quickly and
42 easily available.

44 **4-B. Indirect supervision.** "Indirect supervision" means
any time when a supervisor is not on the premises, but that
46 supervisor has issued written or oral instructions pertaining to
the treatment of animal patients.

48 **8-A. Supervisor.** "Supervisor" means a licensed
50 veterinarian or, if the task being supervised warrants, a
veterinary technician.

52

2 11. Veterinary technician. "Veterinary technician" means a
3 person who has completed a minimum of 2 years in a college
4 program that is certified according to the standards adopted by
5 the American Veterinary Medical Association's Committee on
6 Veterinary Technician Education and Activities or an equivalent
7 program, as determined by the board, and who has passed an
8 examination prescribed by the board.

9
10 **Sec. 29. 32 MRSA §4855, first ¶,** as enacted by PL 1975, c. 477,
11 §4, is amended to read:

12 The board shall organize annually by electing a president, a
13 secretary who need not be a member of the board and such any
14 other officers as may be deemed determined necessary. The
15 secretary shall maintain the correspondence of the board, keep a
16 record of all proceedings, including the disposition of all
17 applications for license or registration as animal veterinary
18 technicians, and keep a register of all persons currently
19 licensed by the board or registered as an-animal a veterinary
20 technician. All board records shall must be open to public
21 inspection during regular office hours.

22
23 **Sec. 30. 32 MRSA §4859, sub-§2,** as amended by PL 1979, c. 291,
24 §1, is further amended to read:

25 **2. License; register; set standards.** The power to grant and
26 deny licenses, register and to set standards for practice for
27 veterinarians practicing veterinary medicine in this State and
28 for the performance of duties by animal veterinary technicians;

29
30 **Sec. 31. 32 MRSA §4859, sub-§6,** as enacted by PL 1975, c. 477,
31 §4, is amended to read:

32 **6. Register veterinary technicians.** Register animal
33 veterinary technicians in accordance with procedures as the board
34 may prescribe by rules-and-regulations. rule;

35
36 **Sec. 32. 32 MRSA §4864, sub-§10,** as enacted by PL 1975, c.
37 477, §4, is amended to read:

38 **10. Permitting a veterinary technician to perform**
39 **prohibited acts.** Permitting any registered animal veterinary
40 technician operating under his the licensee's supervision to
41 perform any act or operation other than that permitted under
42 section 4866;

43
44 **Sec. 33. 32 MRSA §4865,** as enacted by PL 1975, c. 477, §4, is
45 amended to read:

46
47 **§4865. Veterinary technicians to be registered**
48

2 Any A qualified person, ~~as defined in section 4853,~~
3 ~~subsection 2,~~ desiring registration as ~~an animal~~ a veterinary
4 technician, as defined in section 4853, subsection 11, shall make
5 written application to the board, providing such information as
6 the board ~~shall require~~ requires.

7 All ~~animal~~ veterinary technicians shall must reregister
8 annually on or before December 31st September 30th, or any other
9 date designated by the commissioner, and each registration shall
10 must be accompanied by a reregistration fee.

11 **Sec. 34. 32 MRS §4865-A, first ¶,** as amended by PL 1977, c.
12 694, §642, is further amended to read:

13 The board, ~~on its~~ the board's own motion or upon complaint
14 made to ~~it~~ the board, may hold a hearing held in accordance with
15 rules adopted by the board to determine whether or not violations
16 of this chapter relating to ~~animal~~ veterinary technicians have
17 been ~~violated~~ occurred. Hearings conducted under this section
18 shall ~~be~~ are considered "adjudicatory proceedings" and shall ~~be~~
19 are conducted in accordance with the provisions of Title 5,
20 chapter 375, subchapter IV. The board ~~shall have authority to~~ may
21 issue subpoenas subject to the provisions of Title 5, section
22 9060. If the board considers ~~an animal~~ that a veterinary
23 technician has committed any of the acts set forth in this
24 section, ~~it~~ the board shall either report ~~its~~ the board's
25 findings to the Attorney General for prosecution in the
26 Administrative Court for suspension or revocation of ~~his~~ the
27 veterinary technician's registration in accordance with Title 4,
28 chapter 25, ~~or;~~ place the licensee on probation for a certain
29 period of time during which the licensee shall file periodic
30 affidavits of ~~his~~ the licensee's duties in accordance with the
31 standards set by the board, ~~;~~ or censure, by letter, the ~~animal~~
32 veterinary technician. The following acts are grounds for
33 disciplinary action by the board or for revocation or suspension
34 by the Administrative Court:

35 **Sec. 35. 32 MRS §4865-A, sub-§10, ¶C,** as amended by PL 1979,
36 c. 291, §11, is further amended to read:

37 C. Fraud or dishonesty in the application or reporting of
38 any test for disease in animals, or making a false report of
39 any contagious or infectious disease or while performing any
40 other duties of a ~~licensed animal~~ registered veterinary
41 technician.

42 **Sec. 36. 32 MRS §§4866 and 4869,** as enacted by PL 1975, c.
43 477, §4, are amended to read:

44 **§4866. Duties of animal health assistants and veterinary**
45 **technicians**

2 An animal health assistant may, under the direct supervision
3 of a licensed veterinarian or a registered veterinary technician,
4 perform duties of an animal health care nature. The duties do
5 not include diagnosing, making prognoses, performing surgery,
6 reading or interpreting laboratory tests or prescribing or
7 initiating treatment.

8 ~~An animal~~ A veterinary technician registered in the State
9 may perform, under the supervision and direction of a licensed
10 veterinarian, such duties as drug administration, nursing care,
11 x-ray film exposure and processing, bandage changes, dental
12 prophylaxis, restraint, blood and fecal collections, diagnostic
13 laboratory procedures and other such duties as the supervising
14 veterinarian or the board ~~by rules and regulations~~ may prescribe
15 by rule, consistent with this chapter, ~~provided that~~ except no
16 one but a veterinarian shall may diagnose, ~~prognose~~ make
17 prognoses, prescribe or initiate treatment or surgery or perform
18 surgery.

20 **§4869. Reinstatement**

21 Any ~~animal~~ A veterinarian whose license is revoked or suspended or
22 ~~animal~~ a veterinary technician whose registration is revoked or
23 suspended may, at the discretion of the board, be relicensed,
24 reregistered or reinstated at any time without an examination by
25 majority vote of the board on written application made to the
26 board showing cause justifying such the relicensing,
27 ~~reregistering~~ reregistration or reinstatement.

30 **Sec. 37. 32 MRSA §4870, 2nd ¶,** as amended by PL 1983, c. 48,
31 §7, is further amended to read:

32 No A person, who shall ~~practice~~ practices veterinary
33 medicine without a currently valid license, temporary permit or
34 permit for the performance of relief veterinary service, may not
35 receive any compensation for services so rendered. Any ~~animal~~ A
36 veterinary technician employed by a veterinarian shall ~~be~~ is
37 subject to section 4866.

40 **Sec. 38. 32 MRSA §4911, first ¶,** as amended by PL 1987, c. 395,
41 Pt. A, §178, is further amended to read:

42 ~~Certificates shall expire~~ Certification expires on December
43 31st ~~biennially~~ annually and shall ~~become~~ becomes invalid on that
44 date unless renewed. It shall ~~be~~ is the duty of the Division of
45 Licensing and Enforcement ~~of~~ within the Department of
46 Professional and Financial Regulation to notify, at his the last
47 known address, every person registered under this chapter of the
48 license expiration date ~~of the expiration of his license~~ and the
49 amount of the fee that shall ~~be~~ is required ~~for its renewal for a~~
50 2-year period. The notice shall must be mailed at least one month
51 in advance of the expiration date.

2 **Sec. 39. 32 MRSA §4912, last ¶**, as amended by PL 1991, c. 509,
§26, is further amended to read:

4 The initial and renewal fees for certification as a
6 geologist or soil scientist are ~~\$45-per-year~~ \$65 annually.

8 **Sec. 40. 32 MRSA §5017**, as amended by PL 1987, c. 395, Pt. A,
§189, is repealed and the following enacted in its place:

10 **§5017. Reciprocity**

12 A person who is not a resident and has no established place
14 of business in the State or who has recently become a resident in
the State may be granted a license by reciprocity if:

16 1. Licensed as forester. That person is licensed as a
18 forester in that person's home state or country;

20 2. Equivalent requirements for licensure. That person's
22 home state or country has substantially equivalent requirements
for licensure; and

24 3. Same rules of reciprocity observed. That person's home
26 state or country observes the same rules of reciprocity in regard
to persons licensed under this chapter.

28 The board shall determine whether the requirements for
30 licensure from another state or country are equivalent to the
requirements for licensure in this State.

32 **Sec. 41. 32 MRSA §6003, sub-§7**, as amended by PL 1989, c. 700,
Pt. A, §150, is further amended to read:

34 **7. Speech pathology aide.** "Speech pathology aide" means an
36 individual who meets minimum qualifications which and functions
38 within a limited scope of practice established by the board may
establish for speech pathology aides, ~~which qualifications shall~~
40 be less than those established by this chapter as necessary for
licensure ~~as a speech pathologist, and less than these~~
42 established by the Department of Education for school personnel,
and who works under the supervision of a licensed speech
44 pathologist.

46 **Sec. 42. 32 MRSA §6003, sub-§7-A** is enacted to read:

48 **7-A. Speech pathology assistant.** "Speech pathology
assistant" means an individual who meets minimum qualifications
50 and functions within a limited scope of practice established by
the board for speech pathology assistants and who works under the
52 supervision of a licensed speech pathologist.

2 Sec. 43. 32 MRSA §6020, sub-§§2 and 3, as enacted by PL 1975,
c. 705, §4, are amended to read:

4 2. **Submit transcripts to board.** Submit to the board
6 transcripts from one or more of the educational institutions
described in subsection 1 evidencing completion of at least 12 27
8 semester hours in courses providing fundamental information
applicable to the normal development of speech, hearing and
10 language, and at least 42 75 semester hours in courses providing
information about and practical experience in the management of
12 speech, hearing and language disorders, ~~of which 42 semester~~
hours as follows:

14 A. ~~No fewer than 6 shall be in audiology for a person~~
applying for licensure in speech pathology;

16 B. ~~No fewer than 6 shall be in speech pathology for a~~
18 person applying for licensure in audiology;

20 C. ~~No more than 6 shall be in courses providing academic~~
credit for clinical practice;

22 D. ~~At least 24, not including credits for thesis or~~
24 ~~dissertation requirements, shall be in the field for which~~
the license is sought; and

26 E. ~~At least 30 shall be in courses considered by the~~
28 ~~educational institution in which they are conducted as~~
acceptable for application toward a graduate degree;

30 F. Twenty-seven semester hours in basic science course work
32 of which:

34 (1) Six semester hours must be in biological or
physical sciences and mathematics;

36 (2) Six semester hours must be in behavioral or social
38 sciences, or a combination of both; and

40 (3) Fifteen semester hours must be in basic human
42 communication processes, to include the anatomic and
44 physiologic bases, the physical and psychophysical
bases and the linguistic and psycholinguistic aspects;
and

46 G. Thirty-six semester hours in professional course work of
48 which:

50 (1) Thirty semester hours must be in courses for which
graduate credit is received;

3. **Submit evidence of completion of hours to the board.**

Submit to the board evidence of the completion of at least 275 375 clock hours of supervised, direct clinical experience with a variety of communication disorders, which experience is received within the educational institution itself or in a training program with which it cooperates, as follows:

A. Twenty-five clock hours of clinical observation; and

B. Three hundred fifty clock hours of clinical practicum. Two hundred fifty clock hours must be at the graduate level, 50 clock hours of which must be earned in each of 3 types of clinical settings.

Sec. 44. 32 MRSA §6208-A, sub-§1, as amended by PL 1991, c. 456, §13, is further amended to read:

1. Membership. The State Board of Substance Abuse Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 11 members. Nine members are appointed by the Governor. One member must be the Director of the Office of Substance Abuse or a designee. One member, appointed by the Chancellor of the University of Maine System, must be a member of the university faculty involved in the training of substance abuse counselors. Of these 11 members, 5 members must be licensed substance abuse counselors. Two members must be ~~nonproviders~~ public members, one of whom must be a consumer of substance abuse services who has abstained from the use of alcohol and other drugs for a period of at least 2 years or a member of the family member of a consumer of substance abuse services ~~or a consumer of substance abuse services who has abstained from the use of alcohol and other drugs for a period of at least 2 years.~~ ~~One member must be a public member.~~ ~~One member~~ Two members must be a representative of a regional alcohol and drug registered substance abuse council counselors. Members must represent a broad geographic distribution of the State and must be from among the professional associations representative of the field.

Sec. 45. 32 MRSA §6212, sub-§11, as amended by PL 1991, c. 456, §20, is repealed.

Sec. 46. 32 MRSA §6219, 2nd ¶, as amended by PL 1991, c. 456, §32, is further amended to read:

Licensure, certification or registration may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date ~~shall be~~ is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the

2 protection of the public, waive examination if that renewal
3 application is made within 2 years from the date of that
4 expiration or if the applicant is a registered inactive substance
5 abuse counselor. The board shall ~~be~~ is responsible for mailing
6 notification of the date of expiration of a license or a
7 certificate of registration to any licensed substance abuse
8 counselor, associate substance abuse counselor, inactive
9 substance abuse counselor or registered substance abuse counselor
10 not later than 30 days prior to the date of expiration. At a
11 minimum, applicants for renewal must document ~~250--hours--of~~
12 ~~supervised--experience--within--the--core--functions--defined--by--rule~~
13 ~~of--the--board--and~~ the successful completion of at least 50 hours
14 of continuing education related to substance abuse during the
2-year period.

16 **Sec. 47. 32 MRSA §7001-A**, as amended by PL 1987, c. 395, Pt.
17 B, §10, is further amended to read:

18 **§7001-A. Definitions**

19 As used in this chapter, unless the context otherwise
20 indicates, the following terms have the following meanings.

21 **1. Accredited educational program.** An "accredited
22 educational institution program" is ~~an--institution~~ a program
23 accredited by the Council on Social Work Education.

24 **2. Board.** "Board" is the State Board of Social Worker
25 Licensure.

26 **3. Certified social worker - independent practice.** A
27 "certified social worker - independent practice" is a person who
28 was licensed as a certified social worker and permitted to engage
29 in the independent practice of social work pursuant to section
30 7052, before January 1, 1985.

31 **4. Clinical setting.** A "clinical setting" is a setting
32 where mental disorders are evaluated, prevented, diagnosed and
33 treated using psychosocial ~~evaluation~~ assessment, which may be
34 the primary or secondary mission of the setting.

35 **5. Consultation.** "Consultation" is regularly scheduled
36 face-to-face case discussion and evaluation focusing on raw data,
37 goals and objectives from the social worker's practice provided
38 by a consultant hired by an agency employing a licensee, or by an
39 individual licensee, to fulfill licensing and continuing
40 education requirements.

41 **5-A. Counseling.** "Counseling" is a procedure used by
42 social workers in guiding individuals, families, groups and
43 communities by such activities as giving advice, delineating
44 and evaluating the needs of individuals, families, groups and
45 communities.

2 alternatives, helping articulate goals and providing needed
3 information.

4 5-B. Ethics. "Ethics" means a system of moral principles
5 and perceptions about right and wrong and a resulting philosophy
6 of conduct that is practiced by an individual, group or culture.

8 **6. Licensed clinical social worker.** A "licensed clinical
9 social worker" is a person who has received a license as a
10 clinical social worker from the board.

12 **7. Licensed master social worker.** A "licensed master social
13 worker" is a person who has received a license as a master social
14 worker from the board.

16 **8. Licensed social worker.** A "licensed social worker" is a
17 person who has received a license as a licensed social worker
18 from the board.

20 **9. Private practice.** "Private practice" is practicing
21 social work on a self-employed basis through which the social
22 worker receives fees, monetary or otherwise, for counseling and
23 psychotherapeutic services.

24 **9-A. Psychopathology.** "Psychopathology" means the study of
25 the nature of mental, cognitive or behavioral disorders,
26 including causes, symptoms and effects upon the subject and the
27 psychosocial circumstances in which the dysfunction occurs.
28 "Psychopathology" also refers to personality or behavioral traits
29 that may lead to problems or underachievement for an individual
30 or for those in contact with the individual. "Psychopathology"
31 may include virtually every mental or behavioral disorder or any
32 social problem that prevents an individual from reaching that
33 individual's potential for well-being.

34 **9-B. Psychosocial assessment.** "Psychosocial assessment"
35 includes the determination and examination by social workers of
36 the psychosocial situation of an individual or group related to
37 interpersonal and intrapersonal stress, family background, family
38 interaction, living arrangements and socioeconomic problems and
39 treatment, evaluation, plans and goals, including the diagnosis
40 of mental illness and emotional disorders for the purpose of
41 treatment and therapeutic intervention, but excluding the
42 diagnosis of organic mental illness or treatment of any illness
43 by organic therapy, to the extent permitted by the licensure
44 provision of this chapter. This assessment may include diagnostic
45 labels and codes from the "Diagnostic Statistical Manual of
46 Mental Disorders," the "International Classification of
47 Diseases," descriptions from the person-in-environment system,
48 results derived from psychological tests and legal status.
49 Throughout the intervention process, the psychosocial assessment
50 is revised continually as new information is obtained, as
51 is revised continually as new information is obtained, as
52

2 circumstances and objectives change, and as progress is made
4 towards established goals. In the process of making a diagnosis
6 and formulating a treatment plan for mental illness or emotional
8 disorder, the social worker shall ensure, consistent with rules
10 adopted by the board, that the person is examined by a physician
12 and may take into account the physician's opinion in forming the
14 psychosocial assessment. When a person has been seen by a
16 physician within 3 months prior to seeking mental health
treatment, a telephone conversation between that physician and
the social worker may be held in lieu of the examination required
by this subsection. The medical visit or the telephone
conversation must be documented in the clinical records of the
person. This requirement applies only in cases where there is a
presence of psychopathology. The board shall define standards by
rule, in accordance with the Maine Administrative Procedure Act,
Title 5, chapter 375, for implementation of this subsection.

18 **10. Psychosocial evaluation.** "Psychosocial evaluation"
20 ~~includes the determination and examination by social workers of~~
22 ~~the psychosocial situation of an individual or group related to~~
24 ~~interpersonal and intrapersonal stress, family background, family~~
26 ~~interaction, living arrangements and socioeconomic problems and~~
28 ~~treatment, evaluation, plans and goals, including the diagnosis~~
30 ~~of mental illness and emotional disorders for the purpose of~~
32 ~~treatment and therapeutic intervention, but excluding the~~
34 ~~diagnosis of organic mental illness or treatment of any illness~~
36 ~~by organic therapy, to the extent permitted by the licensure~~
38 ~~provision of this chapter. In the process of making a diagnosis~~
40 ~~and formulating a treatment plan for mental illness or emotional~~
42 ~~disorder, the social worker shall assure, consistent with rules~~
44 ~~to be promulgated by the board, that the person is examined by a~~
46 ~~physician and may take into account the physician's opinion in~~
48 ~~forming the psychosocial evaluation. When a person has been seen~~
by a physician within 3 months prior to seeking mental health
treatment, a telephone conversation between that physician and
the social worker may be held in lieu of the examination required
by this subsection. The medical visit or the telephone
conversation shall be documented in the clinical records of the
person. This requirement shall apply only in cases where there
is a presence of psychopathology. The board shall define
standards by rule, in accordance with the Maine Administrative
Procedure Act, Title 5, chapter 375, for implementation of this
subsection means the gathering of basic data concerning records,
specific living arrangements, socioeconomic problems, family
background, family interaction and interpersonal and
intrapersonal stress; the assessment of this data; and the
formulation and carrying out of a plan to produce a change in the
feelings, attitudes and behavior of a client.

50 **10-A. Psychotherapy.** "Psychotherapy" means a specialized,
52 formal interaction between a social worker and a client, whether
an individual, couple, family or group, in which a therapeutic

2 relationship is established to help resolve symptoms of mental
3 disorder, psychosocial stress, relationship problems and
4 difficulties in coping in the social environment.

6 11. **Social work.** "Social work" means engaging in
7 psychosocial evaluation assessment and intervention, including
8 therapy, to the extent permitted by the licensure provisions of
9 this chapter, to effect a change in the feelings, attitudes and
10 behavior of a client, whether an individual, group or community.
11 "Social work" also means engaging in community organization,
12 social planning, administration and research.

14 **Sec. 48. 32 MRSA §7002, first ¶,** as repealed and replaced by PL
15 1985, c. 736, §3, is amended to read:

16 Notwithstanding Title 17-A, section 4-A, any person who
17 makes a representation to the public or uses the title of social
18 worker, unless licensed by the board, as a licensed clinical
19 social worker, licensed master social worker, certified social
20 worker - independent practice or a licensed social worker, shall
21 be is subject to a fine of not less than \$50 nor more than \$500.
22 Any person performing the functions of a social worker as a part
23 of a profession or occupation or in a voluntary capacity is not
24 subject to this section.

26 **Sec. 49. 32 MRSA §7053,** as amended by PL 1989, c. 682, is
27 further amended to read:

28 **§7053. Qualifications**

30 To be eligible for a license to practice social work at any
31 level, an applicant shall must be at least 18 years of age and
32 shall must satisfactorily pass any examination as the board may
33 prescribe by its rules. Each applicant shall must demonstrate
34 trustworthiness and competence to engage in the practice of
35 social work in such a manner as to safeguard the interests of the
36 public.

38 The following shall ~~be~~ are considered as minimum evidence
39 satisfactory to the board that an applicant is qualified for
40 licensure under this chapter.

42 1. **Licensed clinical social worker.** To be qualified as a
43 licensed clinical social worker, an applicant shall must have
44 demonstrated to the satisfaction of the board adherence to the
45 ethics of the social work profession; shall must have
46 successfully completed the examination prescribed by the board;
47 and shall must have received either:

50 A. A ~~masters~~ master's or ~~deeteral~~ doctor's degree in social
51 work or social welfare from an accredited educational
52 institution, program in a clinical concentration and must

2 have subsequently completed 2 years of social work
3 experience with 96 hours of consultation in a clinical
4 setting; or

5 (1)---~~Shall--have--subsequently--completed--2--years--of~~
6 ~~social-work-experience-with-96-hours-of-consultation-in~~
7 ~~a-clinical-setting;-or~~

8 (2)---~~Shall--have--demonstrated--2--years--of--full-time~~
9 ~~clinical-social-work-experience-or-its-equivalent-and~~
10 ~~have-completed-the-graduate-degree-prior-to-January-1,~~
11 ~~1987,-and-have-completed-2-years-of-subsequent-social~~
12 ~~work-experience-with-96-hours-of-consultation-in-a~~
13 ~~private-setting;-or~~

14
15 B. A masters master's or doctoral doctor's degree in social
16 work in a nonclinical concentration from an accredited
17 educational institution; program and must have subsequently
18 completed 4 years of social work experience with 192 hours
19 of consultation in a clinical setting.

20
21 (1)---~~Shall--have--subsequently--completed--4--years--of~~
22 ~~social-work-experience-with-192-hours-of-consultation~~
23 ~~in-a-clinical-setting;-or~~

24 (2)---~~Shall--have--demonstrated--2--years--of--full-time~~
25 ~~clinical-social-work-experience-or-its-equivalent-and~~
26 ~~have-completed-the-graduate-degree-prior-to-January-1,~~
27 ~~1987,-and-have-completed-4-years-of-subsequent-social~~
28 ~~work-experience-with-192-hours-of-consultation-in-a~~
29 ~~private-setting.~~

30
31 The board may waive up to one year of the post-master of social
32 work, clinical experience requirement pursuant to this subsection
33 for those candidates who demonstrate to the satisfaction of the
34 board equivalent clinical experience prior to receiving the
35 masters master's degree in social work.

36
37 The board shall issue rules, in accordance with the Maine
38 Administrative Procedure Act, Title 5, chapter 375, defining the
39 clinical experience required for this level of licensure.

40
41 **2. Licensed master social worker.** As a licensed master
42 social worker, an applicant shall must have received either a
43 masters master's or doctoral doctor's degree in social work or
44 social welfare from an accredited educational institution
45 program, shall must have demonstrated to the satisfaction of the
46 board adherence to the ethics of the social work profession and
47 shall must have successfully completed the examination prescribed
48 by the board. After meeting these qualifications, the applicant
49 shall ~~receive~~ receives a "licensed master social worker" license.
50 In addition, any person wishing to practice social work in a
51

2 clinical setting ~~shall receive~~ receives a "licensed master social
worker, conditional" license.

4 **3. Licensed social worker.** To be qualified to be licensed
6 as a social worker, an applicant must meet one of the following
requirements.

8 A. The applicant must have received a bachelor's degree in
10 social work or social welfare from an accredited educational
12 institution program; demonstrated to the satisfaction of the
14 board adherence to the ethics of the social worker
profession; and successfully completed the examination
prescribed by the board.

16 B. The applicant must have received a bachelor's degree in
18 a related field from an institution that, at the time the
20 degree was received, did not have a program accredited by
22 the Council on Social Work Education but subsequently
offered such a program; demonstrated to the satisfaction of
the board adherence to the ethics of the social worker
profession; and successfully completed the examination
prescribed by the board.

24 C. The applicant must have received a bachelor's degree
26 from an accredited college or university, must have
28 demonstrated to the satisfaction of the board adherence to
the ethics of the social work profession, and must have
successfully completed the examination prescribed by the
board.

30 ~~The board shall issue rules, in accordance with the Maine
32 Administrative Procedure Act, Title 5, chapter 375, by which an
34 individual who has a bachelor's degree that does not qualify
under paragraph A or B may be eligible for a license.~~

36 ~~Any person having the necessary qualifications prescribed in
38 this chapter to entitle him to licensure as a licensed clinical,
40 licensed master or license social worker shall be eligible for
that license though he may not be practicing his profession at
the time of making the application.~~

42 **Sec. 50. 32 MRSA §7053-A**, as amended by PL 1989, c. 296, §1,
44 is further amended to read:

46 **§7053-A. Functions.**

48 No social worker at any level may diagnose organic mental
illness or treat any illness by organic therapy.

50 **1. Licensed master social worker.** Any licensed master
52 social worker may:

- 2 A. Engage in administration, research, consultation, social
planning and teaching related to the functions in this
4 section;
- 6 B. Perform all the functions of a licensed social worker;
and
- 8 C. Engage in a nonclinical private practice.

10 ~~In addition, a licensed master social worker having met the~~
12 ~~requirements for licensure as a licensed clinical social worker~~
14 ~~prior to January 1, 1987, except for having completed the~~
16 ~~licensed clinical social worker examination, may engage in the~~
18 ~~clinical consultation of licensed master social worker,~~
20 ~~conditional for the purpose of preparing the licensed master~~
22 ~~social worker, conditional for eventual licensed clinical social~~
24 ~~workers' status or regular licensure. This includes~~
responsibility for ongoing training and evaluation. The licensed
26 master social worker has an obligation to assess the licensed
28 master social worker, conditional's competence and ethics and
30 share this assessment with the Board of Social Work Licensure at
32 the time the licensed master social worker applies for the
34 licensed clinical level.

36 In addition to paragraphs A, B and C, a person holding a
38 "licensed master social worker, conditional" license may engage
40 in psychosocial evaluation and assessment, including diagnosis
42 and treatment of mental illness and emotional disorders, and
44 provide clinical consultation to licensed social workers, social
46 work students, other professionals practicing related professions
48 and paraprofessionals engaging in related activities.

50 A "licensed master social worker, conditional" may not engage in
52 private clinical practice, unless permitted under section 7053,
subsection 1, and must receive individual consultation 4 hours a
month while practicing social work in a clinical setting.

54 **2. Licensed clinical social worker.** A licensed clinical
social worker may:

- 56 A. Practice social work in a clinical setting without
consultation;
- 58 B. Engage in psychosocial evaluation and assessment,
including diagnosis and treatment of mental illness and
emotional disorders;
- 60 C. Engage in clinical private practice of social work;
- 62 D. Perform all the functions of a licensed master social
worker; and

2 E. Engage in the clinical consultation of licensed master
social workers for the purpose of preparing the licensed
4 master social worker for eventual licensed clinical social
workers' status or regular licensure. This includes
6 responsibility for ongoing training and evaluation. The
licensed clinical social worker has an obligation to assess
8 the licensed master social worker's competence and ethics
and share this assessment with the Board of Social Worker
10 Licensure at the time the licensed master social worker
applies for the licensed clinical level.

12 **3. Certified social worker - independent practice.** A
certified social worker - independent practice may:

14 A. Perform all the functions of a licensed master social
16 worker;

18 B. Practice social work in a clinical setting without
consultation; and

20 C. Engage in clinical private practice of social work.

22 ~~In--addition,--a--certified--social--worker-----independent
24 practice--having--met--the--requirements--for--licensure--as--a
licensed--clinical--social--worker--prior--to--January--1,--1987,
26 except--for--having--completed--the--licensed--clinical--social
worker--examination,--may--engage--in--the--clinical--consultation
28 of--licensed--master--social--worker,--conditional--for--the
purpose--of--preparing--the--licensed--master--social--worker,
30 conditionals--for--eventual--licensed--clinical--social--workers'
status--or--regular--licensure.--This--includes--responsibility
32 for--ongoing--training--and--evaluation.--The--certified--social
worker--independent--practice--has--an--obligation--to--assess
34 the--licensed--master--social--worker,--conditional's--competence
and--ethics--and--share--this--assessment--with--the--Board--of
36 Social-Work-Licensure-at-the-time-the-licensed-master-social
worker-applies-for-the-licensed-clinical-level.~~

38 In addition, a certified social worker - independent practice
40 having met the requirements for licensure as a licensed clinical
social worker prior to January 1, 1987, except for having
42 completed the licensed clinical social worker examination, may
engage in the clinical consultation of licensed master social
44 worker, conditional for the purpose of preparing the licensed
master social worker, conditionals for eventual licensed clinical
46 social workers' status or regular licensure. This includes
responsibility for ongoing training and evaluation. The certified
48 social worker - independent practice has an obligation to assess
the licensed master social worker, conditional's competence and
50 ethics and share this assessment with the Board of Social Work
Licensure at the time the licensed master social worker applies
52 for the licensed clinical level.

2 **4. Licensed social worker.** A licensed social worker may:

4 A. Engage in psychosocial evaluation, excluding the
6 diagnosis and treatment of mental illness, and conduct basic
8 data gathering of records and specific life issues of
10 individuals, groups and families, assess evaluate this data
12 and formulate and implement a plan to achieve specific goals
14 related to specific life issues;

16 B. Serve as an advocate for clients or groups of clients
18 for the purpose of achieving specific goals relating to
20 specific life issues;

22 C. Refer clients to other professional services;

24 D. Plan, manage, direct or coordinate social services; and

26 E. Participate in training and education of social work
28 students from an accredited ~~institution~~ program and
30 supervise other licensed social workers.

32 A licensed social worker shall may not engage in the private
34 practice of social work, diagnose mental illness and emotional
36 disorders or provide psychotherapy. A licensed social worker with
38 less than 2 years' experience must receive consultation from
40 either a licensed master social worker, a licensed clinical
42 social worker or a certified social worker - independent practice
44 in a manner to be prescribed by the board on a group or
46 individual basis 4 hours a month. Licensed social workers in
48 health--care nursing facilities licensed by the Department of
50 Human Services shall must receive consultation on a quarterly
52 basis in a manner prescribed by the department. The department
54 staff giving consultation to ~~intermediate~~ care facilities must be
56 on the master or clinical level by January 1, 1993.

58 Notwithstanding the provisions of this subsection, licensed
60 social workers employed by the Department of Human Services shall
62 must receive consultation in a manner ~~to--be~~ prescribed by the
64 department.

66 State agencies employing social workers shall ~~be~~ are responsible
68 for providing supervision necessary for those social workers to
70 maintain their licenses.

72 **Sec. 51. 32 MRSA §7054-A, last ¶,** as enacted by PL 1987, c.
74 395, Pt. B, §18, is repealed.

76 **Sec. 52. 32 MRSA §7058,** as enacted by PL 1977, c. 673, §3, is
78 amended to read:

80 **§7058. Licenses**

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

6 **Sec. 53. 32 MRSA §7059, sub-§1, ¶B,** as amended by PL 1985, c.
736, §18, is further amended to read:

8
9 B. Addiction, as confirmed by medical findings, to the use
10 of alcohol or other drugs, ~~which that~~ that has resulted in the
~~licensed clinical, licensed master or licensed social worker~~
12 ~~or certified social worker --- independent practice licensee~~
being unable to perform his assigned duties or has caused
14 that licensee to perform those duties in a manner which that
would not endanger the health or safety of the clients to be
16 served;

18 **Sec. 54. 32 MRSA §7059, next-to-last ¶,** as amended by PL 1985,
c. 736, §18, is further amended to read:

20 Any person may register a complaint against any social
22 worker licensed at any level. Any complaints shall must be in
writing, shall must be sworn to by the person making them and
24 shall must be filed with the ~~secretary of the board~~ case
compliance coordinator of the licensing and enforcement division
26 within the Department of Professional and Financial Regulation.

28 **Sec. 55. 32 MRSA §7060,** as amended by PL 1987, c. 769, Pt. A,
§122, is further amended to read:

30 **§7060. Expiration and renewals**

32 Licenses shall expire biennially on December 31st or at such
34 other times as the Commissioner of Professional and Financial
Regulation may designate. Biennial fees for renewal of ~~license~~
36 licenses shall must be set by the board in an amount not to
exceed those amounts specified in section 7056 and shall ~~be~~ are
38 due and payable biennially on or before the first day of
January. License renewal fees for certified social workers shall
40 be are the same as those for licensed master social workers.
Every-2nd Each renewal shall ~~be~~ is contingent upon evidence of
42 participation in a continuing professional education course or
program as approved by the board. A license may be renewed up to
44 90 days after the date of expiration upon payment of a late fee
of \$10 in addition to the renewal fee. Any person who submits an
46 application for renewal more than 90 days after the renewal date
shall ~~be~~ is subject to all requirements governing new applicants
48 under this chapter, except that the board may in its discretion,
giving due consideration to the protection of the public, waive
50 examination if the renewal application is made within 2 years
from the date of the expiration.

52

2 The board shall adopt rules that provide ~~by regulation~~ that
4 a person licensed under this chapter may, upon written request,
6 be placed in an inactive status. Reasons for granting inactive
8 status shall include, but are not be limited to, changes in
10 occupation, residence and health. The payment of fees shall must
12 be suspended during the term of inactive status. The board shall
14 also adopt rules by which a person in an inactive status may be
16 reinstated. A person may be reinstated to active status by
~~notifying the commissioner and~~ by paying the fees for the year of
reinstatement ~~if the requirements set by the board are met.~~

12 The board shall notify every person licensed under this
14 chapter of the date of expiration of his that person's license
16 and the fee required for its renewal for a 2-year period. The
notice shall must be mailed to the person's last known address at
least 30 days in advance of the expiration date of the license.

18 **Sec. 56. 32 MRSA §9602, sub-§2, ¶A** is enacted to read:

20 A. Reports for new starting classes must be submitted to
22 the board on such forms as the board prescribes and as
24 specified by board rules. In addition to the school name,
address and license number, each report must include, but is
26 not limited to, the name, address and date of birth of each
student enrolled for each separate class. A filing fee of
28 \$3 is charged to each student enrolled. The collection and
transmittal of the fees to the board is the responsibility
30 of the commercial driver education schools and must
accompany each new starting class report.

32 **Sec. 57. 32 MRSA §13741, 3rd ¶,** as enacted by PL 1987, c. 710,
§5, is amended to read:

34 If, in the opinion of the board, the factual basis of the
36 complaint is or may be true and it is of sufficient gravity to
warrant further action, the board may request an informal
38 conference with the licensee. The board shall provide the
40 licensee with adequate notice of the conference and of the issues
~~The conference shall be conducted in executive~~
42 ~~session of the board, unless otherwise requested by the licensee.~~
Statements made at the conference may not be introduced at a
subsequent formal hearing unless all parties consent.

44 **Sec. 58. 32 MRSA §13858, sub-§6,** as repealed and replaced by
46 PL 1991, c. 263, §4, is repealed.

48 **Sec. 59. 32 MRSA §13858, sub-§7,** as enacted by PL 1989, c.
895, §14, is amended to read:

50 **7. License not allowed.** Notwithstanding subsections 1 to 6
52 5, an individual whose license, certification or registration has
been revoked or suspended in this or ~~any other~~ another state and

2 in this or any-~~other~~ another related field, may not be licensed
under this section, unless the period of revocation or suspension
4 has been completed and the board has conducted a competency
review and determined that rehabilitation has taken place.

6 **Sec. 60. 32 MRSA §13962, sub-§11**, as enacted by PL 1989, c.
806, §3, is amended to read:

8
10 **11. Real estate appraiser.** "Real estate appraiser" means a
person who engages in real estate appraisal activity for a fee or
12 other valuable consideration but does not include a salaried
employee of a real estate owner who, in the regular course of
14 employment, makes appraisals of the real estate of the employer
or of real estate under consideration for purchase or exchange by
16 the employer. For federally related transactions, a real estate
appraiser may appraise single-family residential properties
consisting of one to 4 units unless the size and complexity of
18 the appraisal requires a state-certified appraiser and any other
properties that the board may prescribe by rule. "Real estate
20 appraiser" includes review appraisers and appraisal
administrators.

22 **Sec. 61. 32 MRSA §13962, sub-§11-A** is enacted to read:

24
26 **11-A. Real estate appraiser trainee.** "Real estate
appraiser trainee" means a person who holds a current, valid
28 registration to engage in real estate appraisal activity for a
fee or other valuable consideration under the supervision of a
licensed or certified real estate appraiser.

30
32 **Sec. 62. 32 MRSA §13964, first ¶**, as enacted by PL 1989, c.
806, §3 and as affected by §7, is amended to read:

34 Except as provided in section 13963, it is unlawful for a
36 person to prepare, for a fee or other valuable considerations, an
appraisal or an appraisal report relating to real estate or real
property in this State without first obtaining a real estate
38 appraisal license or being registered as a real estate appraiser
trainee as provided in this Act. This section does not apply to
40 individuals who do not render significant professional
42 assistance in arriving at a real estate appraisal analysis,
opinion or conclusion. Nothing in this Act prohibits any person
44 who is licensed to practice in this State under any other law
from engaging in the practice for which that person is licensed.

46 **Sec. 63. 32 MRSA §13967, sub-§2**, as enacted by PL 1989, c.
806, §3, is repealed and the following enacted in its place:

48
50 **2. Members.** The board consists of 7 members appointed by
the Governor. Each member must be a citizen of the United States
and a resident of this State. The composition of the board
52 consists of:

- 2 A. One representative of a mortgage lending organization;
4 B. One public member;
6 C. Three members who specialize in appraisal work,
8 including at least one residential and one commercial real
10 estate appraiser. After July 1, 1993, these positions must
12 be filled by a licensed real estate appraiser, a
14 state-certified residential appraiser and a state-certified
 general appraiser; and
 D. Two members at large who hold valid appraiser licenses
 or certifications.

16 **Sec. 64. 32 MRSA §13972, sub-§6, ¶B** is enacted to read:

18 B. Any individual licensed as an appraiser before December
20 31, 1992 must complete the minimum 75 classroom hours in
22 courses of study approved by the board and 2 years of real
24 estate appraisal experience. Evidence of the classroom
26 hours must be submitted to the board no later than December
 31, 1994. Evidence of compliance with the experience
 requirement must be submitted to the board no later than
 December 31, 1995.

28 **Sec. 65. 32 MRSA §13972, sub-§6-A** is enacted to read:

30 6-A. Experience requirement. The applicant must
32 demonstrate experience in the real estate appraisal field for 2
 of the 5 years immediately preceding application.

34 **Sec. 66. 32 MRSA §13972-A** is enacted to read:

36 **§13972-A. Requirements for real estate appraiser trainee**
 registration

38 A registered real estate appraiser trainee may appraise all
40 types of real estate and real property in this State, including,
42 but not limited to, commercial, industrial, residential and
 special purpose, but only under the supervision of a person who
 holds a valid appraiser license or certification.

44 1. Application. Each trainee must submit a properly
46 completed application for registration on forms furnished by the
48 board with the prescribed fee set by the board, which may not
 exceed \$50.

50 A. The applicant must be at least 18 years of age at the
 time of application.

2 B. The applicant must provide evidence of the applicant's
3 legal residence in this State.

4 C. The applicant must be a high school graduate or hold an
5 equivalency certificate.

6 D. The applicant must submit evidence of honesty,
7 truthfulness, fair dealing and competency.

10 2. Registration. Upon receiving an application pursuant to
11 subsection 1 that is satisfactory to the board, the board shall
12 furnish to the applicant a registration for real estate appraiser
13 trainee, which expires 12 months from the date of issuance. The
14 registration is renewable upon payment of the registration fee.

15 A person may not be registered as a real estate appraiser trainee
16 for more than 5 years.

17 3. Filing with board. Before employing a real estate
18 appraiser trainee, a licensed or certified appraiser shall
19 register the name and starting date of employment of that trainee
20 with the board.

21 Upon request by the board or an agent of the board, the licensed
22 or certified appraiser shall furnish a statement of a trainee's
23 activities.

24 Sec. 67. 32 MRSA §13973, sub-§3, as enacted by PL 1989, c.
25 806, §3, is amended to read:

26 3. Suspension or revocation of license. Who has had any
27 professional or occupational license suspended or revoked for
28 disciplinary reasons or any application rejected for reasons
29 relating to untrustworthiness within 3 years prior to the date of
30 application; or

31 Sec. 68. 32 MRSA §13979, sub-§1, ¶B, as amended by PL 1991, c.
32 801, §5 and affected by §§9 and 10, is further amended to read:

33 B. Satisfactorily complete a minimum of 105 classroom hours
34 in courses of study approved by the board. To meet the 105
35 classroom hour requirement, an applicant must successfully
36 complete no fewer than 90 classroom hours in courses of
37 study approved by the board that relate to real estate
38 appraisal theory and practice, plus 15 classroom hours in
39 courses of study approved by the board that relate
40 specifically to the Uniform Standards of Professional
41 Appraisal Practice.

42 (1) The courses of study required to satisfy these
43 minimum classroom hours must be approved by the board
44 and be consistent with and equivalent to standards set

2 by the appraisal foundation, whether these courses of
study are conducted by an accredited university,
4 college, technical college, junior college or other
group.

6 (2) For an individual who is a state-certified
7 residential real estate appraiser on the effective date
8 of this subparagraph, evidence of completion of the 105
9 classroom hours required by this paragraph must be
10 submitted to the board no later than December 31, 1994.

12 **Sec. 69. 32 MRSA §13984** is enacted to read:

14 **§13984. Current licensees**

16 1. Minimum classroom hours for licensed real estate
17 appraisers. Licensed real estate appraisers on the effective
18 date of this section who have not completed the minimum 75
19 classroom hours required of new applicants by section 13972,
20 subsection 6 must complete 75 classroom hours pursuant to the
21 requirements of that subsection and submit satisfactory proof of
22 completion to the board no later than December 31, 1994.

24 2. Minimum experience for licensed real estate appraisers.
25 Licensed real estate appraisers on the effective date of this
26 section who have not demonstrated the 2 years' experience in the
27 real estate appraisal field required of new applicants by section
28 13972, subsection 6-A must demonstrate such experience to the
29 board not later than December 31, 1995. The 2 years' experience
30 must have taken place within the 5 years immediately preceding
31 the submission of such experience to the board.

32 3. Minimum classroom hours for state-certified residential
33 real estate appraisers. State-certified residential real estate
34 appraisers on the effective date of this section who have not
35 completed the minimum 105 classroom hours required of new
36 applicants by section 13979, subsection 1-B, must complete 105
37 classroom hours pursuant to the requirements of that paragraph
38 and submit satisfactory proof of completion to the board no later
39 than December 31, 1994.

42 4. Notice. The board shall provide timely notice of the
43 requirements of this section to all licensed real estate
44 appraisers on the effective date of this section and
45 state-certified residential real estate appraisers who may be
46 affected by this section at their last known address.

48 5. Consequence of noncompliance. Noncompliance results in
49 the following.

50 A. When the date by which a licensed real estate appraiser
51 or state-certified residential real estate appraiser must

2 document classroom hours or experience pursuant to this
4 section is coterminous with the expiration date of the
6 license or certification and the appraiser fails to meet the
applicable deadline, the license or certification may not be
renewed until the appraiser complies with the applicable
provisions of this section.

8 B. When the date by which a licensed real estate appraiser
10 or state-certified residential real estate appraiser must
12 document classroom hours or experience pursuant to this
14 section is not coterminous with the expiration date of the
16 license or certification and the appraiser fails to meet the
18 applicable deadline, the license or certification becomes
20 void on the January 1st immediately following the applicable
22 deadline without need of further administrative action other
24 than the notice required by this paragraph. The automatic
termination of a real estate appraiser license or
certification as a residential real estate appraiser
pursuant to this paragraph is deemed final agency action for
purposes of Title 5, chapter 375, subchapter VII and takes
effect upon notice by the board to the appraiser at the
appraiser's last known address that the license or
certification has become void due to noncompliance with this
section.

26
28 **STATEMENT OF FACT**

30 This bill accomplishes the following.

32 1. The bill amends the membership of the Nursing Home
34 Administrators Licensing Board by restoring the number of members
36 to 7 by excluding the designation of a hospital administrator.
38 This change would bring the law into conformity with the intent
of legislation proposed in 1991 that replaced the position on the
board designated for a hospital administrator with an
administrator of an intermediate care facility for the mentally
retarded, rather than to add the latter position.

40 2. The bill changes the title of the Board of Chiropractic
42 Examination and Registration to the Board of Chiropractic
44 Licensure. The bill replaces the language outlining the detailed
complaint procedure with a brief general statement authorizing
the board to investigate a complaint.

46 3. The bill clarifies examination deadlines and fees
48 required to become a licensed electrician in the State.

50 4. The bill removes the obsolete designation of one seat on
the Board of Hearing Aid Dealers and Fitters that was for a
member of the discontinued Maine Committee on Aging; it also

2 modifies the language of Title 32, section 1660-A to make it
gender-neutral.

4 5. The bill clarifies the definition of solid fuel.

6 6. The bill makes it a criminal violation for any person,
firm or corporation to make an oil or solid fuel burning
8 installation without first obtaining a license.

10 7. The bill repeals the provision for referrals to physical
therapists from other health practitioners.

12 8. The bill provides for an even distribution of workload
14 and cash receipts attendant to license registration renewal of
physicians over a 24-month cycle. Current law provides that the
16 registrations of all permanent licenses issued to physicians by
the Board of Registration in Medicine expire simultaneously on
18 June 30th of even-numbered years. The bill provides for a 5-year
time limit to apply for license reinstatement after a lapse in
20 registration for failure to make a timely application to renew.
Current law sets no time limit on reinstatement after lapse but,
22 under Title 32, section 3281, licensees who voluntarily withdraw
from license registration may not be reinstated after 5 years.
24 The proposed revision would treat all former licensees equally.

26 9. The bill clarifies the supervision requirements for
journeyman plumbers.

28 10. The bill removes an outdated provision from the plumber
30 licensing laws that no longer applies.

32 11. The bill amends and clarifies the definitions in the
Maine Veterinary Practice Act of 1975 by replacing the term
34 "animal technician" with the term "veterinary technician" and
adding the terms "animal health assistant," "direct supervision,"
36 "indirect supervision" and "supervisor."

38 12. The bill creates and defines the scope of practice of
an animal health assistant.

40 13. The bill changes the certification renewal of
42 geologists and soil scientists from a biennial to an annual cycle
to even cash flow.

44 14. The bill increases the initial and renewal fees for
46 geologist and soil scientist certificates.

48 15. The bill clarifies reciprocity provisions to become a
licensed professional forester in the State.

50

2 16. The bill further defines the term "speech pathology
4 aide" and adds the definition of "speech pathology assistant" to
the Licensure Act for Speech Pathologists and Audiologists.

6 17. The bill amends the requirements for graduate academic
8 credit and clinical supervision and observation for licensure as
a speech pathologist or an audiologist.

10 18. The bill amends and clarifies the descriptions of the
12 various positions on the State Board of Substance Abuse
14 Counselors, stipulating that 2 members must be public members,
16 one of whom must be a consumer of substance abuse counseling or a
18 family member of a consumer, and that 2 members must be
registered substance abuse counselors. It also eliminates the
board position for a representative from a regional alcohol and
drug abuse council because, due to discontinued funding, these
councils are no longer operating.

20 19. The bill amends the license and registration renewal
22 requirements for substance abuse counselors by deleting the
24 requirement of 250 hours of supervised experience within the core
functions as defined by the State Board of Substance Abuse
Counselors.

26 20. The bill amends the laws governing social workers to
28 clarify the qualifications and requirements for initial and
30 renewal of licensure at the various levels specified by law; to
32 change the words "certified" or "certificate of registration" to
"license" in keeping with the intent of the law; and to revise
the continuing education requirement for licensure to call for
submission of documentation every renewal interval, rather than
every other interval.

34 21. The bill requires licensed commercial driver education
36 schools to report at the time of starting new classes a listing
38 of students being enrolled and assess a filing fee to each
student enrolled.

40 22. The bill eliminates the provision allowing an informal
42 conference between the Board of Commissioners of the Profession
of Pharmacy and a licensee against whom a complaint has been
filed to be conducted in executive session.

44 23. The bill discontinues the provisions for eligibility
46 for licensure of existing counselors who have not passed a
48 national examination prescribed by the Board of Counseling
Professionals Licensure.

50 24. The bill further defines and clarifies the definition
52 of "real estate appraiser." It also defines "real estate
appraiser trainee" and expands licensure requirements for
registered real estate appraisers.

2 25. The bill adds a provision that licensed appraisers who
4 are not in compliance with the required course hours and
6 experience have until December 31, 1994 and December 31, 1995,
8 respectively, to come into compliance. It requires that
10 applicants for licensure demonstrate 2 years' experience in the
12 real estate appraisal field. The bill also sets forth the
14 requirements for individuals to register with the Board of Real
16 Estate Appraisers as appraiser trainees.

18 26. The bill amends Title 32, section 13973 to include
20 suspension of any professional or occupational license in the
consideration of an application for licensure or certification by
the Board of Real Estate Appraisers.

 27. The bill clarifies the minimum classroom hours and
minimum experience to be completed by current licensed or
state-certified real estate appraisers and adds provisions for
timely notice and the consequences of noncompliance.