

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1942

S.P. 720

In Senate, February 24, 1994

**An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws.**

---

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CIANCHETTE of Somerset. (GOVERNOR'S BILL).

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

PART A

2  
4  
6 Sec. A-1. 32 MRSA §63-A, sub-§1, as amended by PL 1991, c. 341, §3, is further amended to read:

8 1. **Membership.** The Nursing Home Administrators Licensing  
10 Board, as established by Title 5, section 12004-A, subsection 23,  
12 consists of ~~8~~ 7 members appointed by the Governor. The members  
14 must be citizens of the United States and residents of this  
16 State. ~~One member must be a hospital administrator with not less  
18 than 5 years of active practice in the State as a hospital  
20 administrator.~~ One member must be a registered nurse with not  
22 less than 5 years of active practice in nursing homes in the  
24 State. Two members must be representatives of the public. Three  
26 members must be administrators of nursing homes with not less  
28 than 5 years of active experience in the State. One member must  
30 be an administrator of an intermediate care facility for the  
32 mentally retarded with not less than 5 years of active practice  
34 in that capacity.

22 Sec. A-2. 32 MRSA §503-A, sub-§1, as amended by PL 1991, c.  
24 392, §4, is repealed.

26 Sec. A-3. 32 MRSA §503-B is enacted to read:

28 **§503-B. Complaints**

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

36 Sec. A-4. 32 MRSA §1203, 2nd ¶, as amended by PL 1983, c. 204,  
§3, is further amended to read:

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

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

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

12           **Sec. A-6. 32 MRSA §1660-A, sub-§3,** as repealed and replaced by  
13 PL 1983, c. 413, §83, is amended to read:

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

34           **Sec. A-7. 32 MRSA §2317,** as amended by PL 1983, c. 413, §116,  
35 is further amended to read:

38           **§2317. Violations**

39           Any A person, firm or corporation ~~who~~ that makes an oil or  
40 solid fuel burner installation without having first obtained a  
41 license, as provided by this chapter; any a person, firm or  
42 corporation ~~who~~ that employs an unlicensed person, unless the  
43 work is exempted by this chapter; any a person who procures any a  
44 license wrongfully or by fraud; or any a person, firm or  
45 corporation ~~who~~ that violates the provisions of this chapter, or  
46 rules or regulations ~~promulgated thereunder,~~ or standards adopted  
47 by the board, commits a ~~civil violation for which a forfeiture of~~  
48 ~~net less than \$100 nor more than \$500 may be adjudged~~ Class E  
49 crime.

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

8           **Sec. A-8. 32 MRSA §2351, first ¶**, as amended by PL 1989, c.  
10 503, Pt. B, §135, is further amended to read:

12           An The Oil and Solid Fuel Board, as established by Title 5,  
14 section 12004-A, subsection 27, and in this chapter called the  
16 "board," shall ~~consist~~ consists of the Commissioner of  
18 ~~Professional and Financial Regulation or a representative~~  
~~appointed by the commissioner, the Commissioner of~~ Public Safety  
or a representative and ~~5~~ 6 other members, called in this  
chapter the "appointive members," who shall ~~be~~ are appointed by  
the Governor.

20           **Sec. A-9. 32 MRSA §2351, 2nd ¶**, as amended by PL 1983, c. 413,  
22 §117, is further amended to read:

24           Three of the appointive members shall must be oil burner  
26 technicians who are active in the trade. One of the members shall  
must have at least 5 years' experience and the other 2 members  
shall must have at least 10 years' experience as such oil burner  
28 technicians. Nominees for appointment of the oil burner  
technician members may be recommended to the Governor by the  
Maine Oil Dealers Association. One of the appointive members  
30 shall must be a representative of the solid fuel burning industry  
and, one shall must be a representative of the public and one  
32 must be a manufacturer, importer or wholesaler or a designee of a  
manufacturer, importer or wholesaler of the type of equipment  
34 requiring product registration pursuant to section 2312.

36           **Sec. A-10. 32 MRSA §3111, sub-§7**, as amended by PL 1983, c.  
38 468, §9, is repealed.

40           **Sec. A-11. 32 MRSA §3301, sub-§3**, as amended by PL 1987, c.  
42 597, §5, is further amended to read:

44           **3. Journeyman plumber.** "Journeyman plumber" shall ~~mean any~~  
means a person who customarily performs the work of installing  
46 plumbing and drainage under the employment and direction of a  
master plumber ~~or, not being. A journeyman plumber may employ or~~  
contract for a master plumber, ~~does plumbing repair work as a~~  
regular part time occupation to provide direction for all  
48 installations. The biennial fee for a journeyman plumber's  
license shall may not exceed \$75.

2           **Sec. A-12. 32 MRSA §3501, sub-§2, ¶B,** as amended by PL 1989,  
c. 443, §89, is further amended to read:

4  
6           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  
experience is obtained within 4 years of the date upon which  
the applicant was issued a journeyman-in-training license. A  
journeyman-in-training license shall must be issued upon  
sworn application ~~therefor~~ for a journeyman-in-training  
license to any person who has satisfactorily completed one  
academic year of instruction in plumbing at a Maine  
technical college in the State and who has obtained a  
passing grade, as determined by the board on the  
journeyman's examination. ~~Any person who is enrolled in a~~  
~~course of instruction in plumbing at a Maine~~  
~~vocational-technical institute on July 1, 1983, may be~~  
~~licensed as a journeyman upon successful completion of that~~  
~~course of instruction and passage of the journeyman's~~  
~~examination.~~

22           **Sec. A-13. 32 MRSA §5017,** as amended by PL 1987, c. 395, Pt.  
24 A, §189, is repealed and the following enacted in its place:

26           **§5017. Reciprocity**

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

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

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

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

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

46           **Sec. A-14. 32 MRSA §6003, sub-§7,** as amended by PL 1989, c.  
48 700, Pt. A, §150, is further amended to read:

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

10 Sec. A-15. 32 MRSA §6003, sub-§7-A is enacted to read:

12 **7-A. Speech pathology assistant.** "Speech pathology  
14 assistant" means an individual who meets minimum qualifications  
and functions within a limited scope of practice established by  
16 the board for speech pathology assistants and who works under the  
supervision of a licensed speech pathologist.

18 Sec. A-16. 32 MRSA §6020, sub-§§2 and 3, as enacted by PL 1975,  
20 c. 705, §4, are amended to read:

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

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

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

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

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

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

48 F. Twenty-seven semester hours in basic science course work  
50 of which:

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

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

6           (3) Fifteen semester hours must be in basic human  
7           communication processes, to include the anatomic and  
8           physiologic basis, the physical and psychophysical  
9           bases and the linguistic and psycholinguistic aspects;  
10           and

11           G. Thirty-six semester hours in professional course work of  
12           which:

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

15           **3. Submit evidence of completion of hours to the board.**  
16           Submit to the board evidence of the completion of at least 275  
17           375 clock hours of supervised, direct clinical experience with a  
18           variety of communication disorders, which experience is received  
19           within the educational institution itself or in a training  
20           program with which it cooperates, as follows:

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

22           B. Three hundred fifty clock hours of clinical practicum.  
23           Two hundred fifty clock hours must be at the graduate level,  
24           50 clock hours of which must be earned in each of 3 types of  
25           clinical settings.

26           **Sec. A-17. 32 MRS §6208-A, sub-§1, as amended by PL 1991, c.**  
27           **456, §13, is further amended to read:**

28           **1. Membership.** The State Board of Substance Abuse  
29           Counselors, as established by Title 5, section 12004-A,  
30           subsection 41, consists of 11 members. Nine members are  
31           appointed by the Governor. One member must be the Director of  
32           the Office of Substance Abuse or a designee. One member,  
33           appointed by the Chancellor of the University of Maine System,  
34           must be a member of the university faculty involved in the  
35           training of substance abuse counselors. Of these 11 members, 5  
36           members must be licensed substance abuse counselors. Two members  
37           must be ~~nonproviders~~ public members, one of whom must be a  
38           consumer of substance abuse services who has abstained from the  
39           use of alcohol and other drugs for a period of at least 2 years  
40           or a member of the family member of a consumer of substance abuse  
41           services or a consumer of substance abuse services who has



2 ~~abstained from the use of alcohol and other drugs for a period of~~  
3 ~~at least 2 years. One member must be a public member. One~~  
4 ~~member~~ Two members must be a representative of a regional alcohol  
5 and drug registered substance abuse council counselors. Members  
6 must represent a broad geographic distribution of the State and  
7 must be from among the professional associations representative  
8 of the field.

9  
10 **Sec. A-18.** 32 MRSA §6212, sub-§11, as enacted by PL 1991, c.  
11 456, §20, is repealed.

12 **Sec. A-19.** 32 MRSA §6219, last ¶, as amended by PL 1991, c.  
13 456, §32, is further amended to read:

14  
15 Licensure, certification or registration may be renewed up  
16 to 90 days after the date of expiration upon payment of a late  
17 fee of \$10 in addition to the renewal fee. Any person who  
18 submits an application for renewal more than 90 days after the  
19 license renewal date ~~shall be~~ is subject to all requirements  
20 governing new applicants under this chapter, except that the  
21 board may in its discretion, giving due consideration to the  
22 protection of the public, waive examination if that renewal  
23 application is made within 2 years from the date of that  
24 expiration or if the applicant is a registered inactive substance  
25 abuse counselor. The board ~~shall be~~ is responsible for mailing  
26 notification of the date of expiration of a license or a  
27 certificate of registration to any licensed substance abuse  
28 counselor, associate substance abuse counselor, inactive  
29 substance abuse counselor or registered substance abuse counselor  
30 not later than 30 days prior to the date of expiration. At a  
31 minimum, applicants for renewal must document ~~250 hours of~~  
32 ~~supervised experience within the core functions defined by rule~~  
33 ~~of the board and~~ the successful completion of at least 50 hours  
34 of continuing education related to substance abuse during the  
35 2-year period.

36  
37 **Sec. A-20.** 32 MRSA §7001-A, sub-§§1, 4 and 5, as enacted by PL  
38 1985, c. 736, §2, are amended to read:

39  
40 **1. Accredited educational program.** An "accredited  
41 educational ~~institution~~ program" is an ~~institution~~ a program  
42 accredited by the Council on Social Work Education.

43  
44 **4. Clinical setting.** A "clinical setting" is a setting  
45 where mental disorders are evaluated, prevented, diagnosed and  
46 treated using psychosocial evaluation assessment, which may be  
47 the primary or secondary mission of the setting.

48  
49 **5. Consultation.** "Consultation" is regularly scheduled  
50 face-to-face case discussion and evaluation focusing on raw data,

2 goals and objectives from the social worker's practice provided  
3 by a consultant hired by an agency employing a licensee, or by an  
4 individual licensee, to fulfill licensing and continuing  
5 education requirements.

6 **Sec. A-21. 32 MRSA §7001-A, sub-§§5-A and 5-B** are enacted to  
7 read:

8  
9 **5-A. Counseling.** "Counseling" is a procedure used by  
10 social workers in guiding individuals, families, groups and  
11 communities by such activities as giving advice, delineating  
12 alternatives, helping articulate goals and providing needed  
13 information.

14  
15 **5-B. Ethics.** "Ethics" means a system of moral principles  
16 and perceptions about right and wrong and a resulting philosophy  
17 of conduct that is practiced by an individual, group or culture.

18  
19 **Sec. A-22. 32 MRSA §7001-A, sub-§9,** as enacted by PL 1985, c.  
20 736, §2, is amended to read:

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

26  
27 **Sec. A-23. 32 MRSA §7001-A, sub-§§9-A and 9-B** are enacted to  
28 read:

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

40  
41 **9-B. Psychosocial assessment.** "Psychosocial assessment"  
42 includes the determination and examination by social workers of  
43 the psychosocial situation of an individual or group relating to  
44 interpersonal and intrapersonal stress, family background, family  
45 interaction, living arrangements and socioeconomic problems and  
46 treatment, evaluation, plans and goals, including the diagnosis  
47 of mental illness and emotional disorders for the purpose of  
48 treatment and therapeutic intervention, but excluding the  
49 diagnosis of organic mental illness or treatment of any illness  
50 by organic therapy, to the extent permitted by the licensure

2 provisions of this chapter. This assessment may include  
3 diagnostic labels and codes from the diagnostic statistical  
4 manual of mental disorders and the international classification  
5 of diseases, descriptions from the so-called  
6 person-in-environment system, results derived from psychological  
7 tests and legal status.

8 **Sec. A-24. 32 MRSA §7001-A, sub-§10**, as enacted by PL 1985, c.  
9 736, §2, is repealed and the following enacted in its place:

10 **10. Psychosocial evaluation.** "Psychosocial evaluation"  
11 means the gathering of basic data concerning records, specific  
12 living arrangements, socioeconomic problems, family background,  
13 family interaction and interpersonal and intrapersonal stress;  
14 the assessment of this data; and the formulation and carrying out  
15 of a plan to produce a change in the feelings, attitudes and  
16 behavior of a client.

17 **Sec. A-25. 32 MRSA §7001-A, sub-§10-A** is enacted to read:

18 **10-A. Psychotherapy.** "Psychotherapy" means a specialized,  
19 formal interaction between a social worker and a client, whether  
20 an individual, couple, family or group, in which a therapeutic  
21 relationship is established to help resolve symptoms of mental  
22 disorder, psychosocial stress, relationship problems and  
23 difficulties in coping in the social environment.

24 **Sec. A-26. 32 MRSA §7001-A, sub-§11**, as enacted by PL 1985, c.  
25 736, §2, is amended to read:

26 **11. Social work.** "Social work" means engaging in  
27 psychosocial evaluation assessment and intervention, including  
28 therapy, to the extent permitted by the licensure provisions of  
29 this chapter, to effect a change in the feelings, attitudes and  
30 behavior of a client, whether an individual, group or community.  
31 "Social work" also means engaging in community organization,  
32 social planning, administration and research.

33 **Sec. A-27. 32 MRSA §7002, first ¶**, as repealed and replaced by  
34 PL 1985, c. 736, §3, is amended to read:

35 Notwithstanding Title 17-A, section 4-A, any person who  
36 makes a representation to the public or uses the title of social  
37 worker, unless licensed by the board, as a licensed clinical  
38 social worker, licensed master social worker, certified social  
39 worker - independent practice or a licensed social worker, shall  
40 be is subject to a fine of not less than \$50 nor more than \$500.  
41 Any person performing the functions of a social worker as-a-part  
42 of-a-profession-or-occupation-er in a voluntary capacity is not  
43 subject to this section.

2                   Sec. A-28. 32 MRSA §7006 is enacted to read:

4                   **§7006. Examination by physician**

6                   Throughout the intervention process, the psychosocial  
8                   assessment must be revised continually as new information is  
10                   obtained, as circumstances and objectives change and as progress  
12                   is made towards established goals. In the process of making a  
14                   diagnosis and formulating a treatment plan for mental illness or  
16                   emotional disorder, the social worker shall ensure, consistent  
18                   with rules adopted by the board, that the person is examined by a  
20                   physician and may take into account the physician's opinion in  
22                   forming the psychosocial assessment. When a person has been seen  
24                   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 section. 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 Administration Procedure Act, for  
                    implementation of this section.

26                   Sec. A-29. 32 MRSA §7053, as amended by PL 1989, c. 682, is  
28                   further amended to read:

30                   **§7053. Qualifications**

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

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

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

48                   A. A ~~masters~~ master's or ~~docteral~~ doctor's degree in social  
50                   work or social welfare from an accredited educational

2 institution, program in a clinical concentration, and must  
3 have subsequently completed 2 years of social work  
4 experience with 96 hours of consultation in a clinical  
5 setting; or

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

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

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

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

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

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

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

44 2. **Licensed master social worker.** As a licensed master  
45 social worker, an applicant shall must have received either a  
46 ~~masters~~ master's or ~~docteral~~ doctor's degree in social work or  
47 social welfare from an accredited educational institution  
48 program, shall must have demonstrated to the satisfaction of the  
49 board adherence to the ethics of the social work profession and  
50 shall must have successfully completed the examination prescribed

2 by the board. After meeting these qualifications, the applicant  
shall-~~receive~~ receives a "licensed master social worker" license.  
4 In addition, any person wishing to practice social work in a  
clinical setting shall-~~receive~~ receives a "licensed master social  
worker, conditional" license.

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

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

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

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

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

38  
40 ~~Any person having the necessary qualifications prescribed in  
this chapter to entitle him to licensure as a licensed clinical,  
42 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.~~

44  
46 **Sec. A-30. 32 MRSA §7053-A, sub-§1,** as amended by PL 1987, c.  
395, Pt. B, §15, is further amended to read:

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

2 A. Engage in administration, research, consultation, social  
planning and teaching related to the functions in this  
section;

4 B. Perform all the functions of a licensed social worker;  
6 and

8 C. Engage in a nonclinical private practice.

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

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

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

38 **Sec. A-31. 32 MRSA §7053-A, sub-§2, ¶B,** as enacted by PL 1985,  
c. 736, §12, is amended to read:

40 B. Engage in psychosocial evaluation and assessment,  
42 including diagnosis and treatment of mental illness and  
emotional disorders;

44 **Sec. A-32. 32 MRSA §7053-A, sub-§3,** as amended by PL 1987, c.  
46 395, Pt. B, §17, is further amended to read:

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

- 2 A. Perform all the functions of a licensed master social  
worker;
- 4 B. Practice social work in a clinical setting without  
consultation; and
- 6 C. Engage in clinical private practice of social work.

8  
10 ~~In addition, a certified social worker - independent  
12 practice having met the requirements for licensure as a  
14 licensed clinical social worker prior to January 1, 1987,  
16 except for having completed the licensed clinical social  
18 worker examination, may engage in the clinical consultation  
20 of licensed master social worker, conditional for the  
22 purpose of preparing the licensed master social worker,  
24 conditionals for eventual licensed clinical social workers'  
status or regular licensure. This includes responsibility  
for ongoing training and evaluation. The certified social  
worker - independent practice has an obligation to assess  
the licensed master social worker, conditional's competence  
and ethics and share this assessment with the Board of  
Social Work Licensure at the time the licensed master social  
worker applies for the licensed clinical level.~~

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

40 **Sec. A-33. 32 MRSA §7053-A, sub-§4,** as amended by PL 1989, c.  
296, §1, is further amended to read:

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

44 A. Engage in psychosocial evaluation, excluding the  
46 diagnosis and treatment of mental illness, and conduct basic  
48 data gathering of records and specific life issues of  
individuals, groups and families, assess evaluate this data  
and formulate and implement a plan to achieve specific goals  
50 related to specific life issues;



- 2 B. Serve as an advocate for clients or groups of clients  
4 for the purpose of achieving specific goals relating to  
specific life issues;
- 6 C. Refer clients to other professional services;
- 8 D. Plan, manage, direct or coordinate social services; and
- 10 E. Participate in training and education of social work  
12 students from an accredited institution program and  
supervise other licensed social workers.

14 A licensed social worker ~~shall~~ may not engage in the private  
16 practice of social work, diagnose mental illness and emotional  
disorders or provide psychotherapy. A licensed social worker with  
18 less than 2 years' experience must receive consultation from  
either a licensed master social worker, a licensed clinical  
20 social worker or a certified social worker - independent practice  
in a manner to be prescribed by the board on a group or  
22 individual basis 4 hours a month. Licensed social workers in  
~~health--care~~ nursing facilities licensed by the Department of  
Human Services ~~shall~~ must receive consultation on a quarterly  
24 basis in a manner prescribed by the department. The department  
staff giving consultation to ~~intermediate~~ care facilities must be  
26 on the master or clinical level by January 1, 1993.

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

32 State agencies employing social workers ~~shall--be~~ are responsible  
34 for providing supervision necessary for those social workers to  
maintain their licenses.

36 **Sec. A-34. 32 MRSA §7054-A, last ¶,** as enacted by PL 1987, c.  
395, Pt. B, §18, is repealed.

40 **Sec. A-35. 32 MRSA §7058,** as enacted by PL 1977, c. 673, §3,  
is amended to read:

42 **§7058. Licenses**

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

48 **Sec. A-36. 32 MRSA §7059, sub-§1, ¶B,** as amended by PL 1985,  
50 c. 736, §18, is further amended to read:

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

18 **Sec. A-37. 32 MRSA §7059, next to the last ¶, as amended by PL**  
20 1985, c. 736, §18, is further amended to read:

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

34 **Sec. A-38. 32 MRSA §7060, as amended by PL 1987, c. 769, Pt.**  
36 A, §122, is further amended to read:

38 **§7060. Expiration and renewals**

40 Licenses shall expire biennially on December 31st or at such  
42 other times as the Commissioner of Professional and Financial  
44 Regulation may designate. Biennial fees for renewal of ~~license~~  
46 licenses must be set by the board in an amount not to  
48 exceed those amounts specified in section 7056 and shall ~~be~~ are  
50 due and payable biennially on or before the first day of  
January. License renewal fees for certified social workers shall  
be are the same as those for licensed master social workers.  
Every ~~3rd~~ Each renewal shall ~~be~~ is contingent upon evidence of  
participation in a continuing professional education course or  
program as approved by the board. A license 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 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 protection of the public, waive  
examination if the renewal application is made within 2 years  
from the date of the expiration.

The board shall adopt rules that provide ~~by-regulation~~ that  
a person licensed under this chapter may, upon written request,  
be placed in an inactive status. Reasons for granting inactive  
status shall include, but are not be limited to, changes in  
occupation, residence and health. The payment of fees shall must

2 be suspended during the term of inactive status. The board shall  
3 also adopt rules by which a person in an inactive status may be  
4 reinstated. A person may be reinstated to active status by  
5 ~~notifying the commissioner and by~~ paying the fees for the year of  
6 reinstatement ~~if the requirements set by the board are met.~~

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

12 **Sec. A-39. 32 MRSA §9602, sub-§2, ¶A** is enacted to read:

13 A. Reports for new starting classes must be submitted to  
14 the board on such forms as the board prescribes and as  
15 specified by board rules. In addition to the school name,  
16 address and license number, each report must include, but is  
17 not limited to, the name, address and date of birth of each  
18 student enrolled for each separate class. A filing fee of  
19 \$3 is charged to each student enrolled. The collection and  
20 transmittal of the fees to the board is the responsibility  
21 of the commercial driver education schools and must  
22 accompany each new starting class report.

23 **Sec. A-40. 32 MRSA §12403, sub-§1-A** is enacted to read

24 1-A. Acupuncture intern. "Acupuncture intern" means an  
25 acupuncture student enrolled in an acupuncture internship program  
26 approved by the Acupuncture Licensing Board that involves  
27 practical training, including needle insertion on human subjects.

28 **Sec. A-41. 32 MRSA §12404, sub-§1-A**, as enacted by PL 1989, c.  
29 307, §2, is amended to read:

30 1-A. Licensure required. No A person may not practice  
31 acupuncture or make representation to the public as an  
32 acupuncturist in this State unless that person holds a current  
33 and valid license from the board, except that a student of  
34 acupuncture who has completed at least one year of full-time  
35 study in a board-approved acupuncture school may practice  
36 acupuncture in a board-approved internship program. The student  
37 must be supervised by an instructor who is a licensed  
38 acupuncturist in the State. The student must be identified as an  
39 acupuncture intern when in a clinical setting.

40 **Sec. A-42. 32 MRSA §13741, 3rd ¶**, as enacted by PL 1987, c.  
41 710, §5, is amended to read:

2 If, in the opinion of the board, the factual basis of the  
3 complaint is or may be true and it is of sufficient gravity to  
4 warrant further action, the board may request an informal  
5 conference with the licensee. The board shall provide the  
6 licensee with adequate notice of the conference and of the issues  
7 to be discussed. ~~The conference shall be conducted in executive  
8 session of the board, unless otherwise requested by the licensee.~~  
9 Statements made at the conference may not be introduced at a  
10 subsequent formal hearing unless all parties consent.

11 **Sec. A-43. 32 MRSA §13858, sub-§6,** as repealed and replaced by  
12 PL 1991, c. 263, §4, is repealed.

13 **Sec. A-44. 32 MRSA §13858, sub-§7,** as enacted by PL 1989, c.  
14 895, §14, is amended to read:

15 **7. License not allowed.** Notwithstanding subsections 1  
16 to ~~6~~ 5, an individual whose license, certification or  
17 registration has been revoked or suspended in this or any other  
18 another state and in this or any other another related field, may  
19 not be licensed under this section, unless the period of  
20 revocation or suspension has been completed and the board has  
21 conducted a competency review and determined that rehabilitation  
22 has taken place.  
23  
24

## 25 PART B

26 **Sec. B-1. 10 MRSA §8002, sub-§4,** as repealed and replaced by  
27 PL 1975, c. 767, §9, is amended to read:

28 **4. Review.** Review the functions and operation of bureaus,  
29 boards and commissions within or affiliated with the department  
30 to assure ensure that overlapping functions and operations are  
31 eliminated and that each complies fully with its statutory and  
32 public service responsibilities; and  
33  
34

35 **Sec. B-2. 10 MRSA §8003, sub-§1,** as amended by PL 1987, c.  
36 609, §1, is further amended to read:

37 **1. Division of Administrative Services.** There is created a  
38 Division of Administrative Services, which shall constitute a  
39 division within the department, to provide assistance to the  
40 commissioner and to the agencies within or affiliated with the  
41 department in civil service matters, budgeting and financial  
42 matters, purchasing, and clerical and support services, and to  
43 perform such other duties as the commissioner may designate. The  
44 commissioner may employ a Director of Administrative Services and  
45 such clerical and technical assistants as are necessary to  
46 discharge the duties of the division, and shall outline their  
47 duties and fix their compensation, subject to the Civil Service  
48 Law.  
49  
50

2 A. Within the Division of Administrative Services, there  
3 shall be a computer services section. It shall be the  
4 responsibility of the computer services section to process  
5 and issue original and renewal licenses for the department  
6 and for those bureaus, boards and commissions within the  
7 department as the commissioner may direct. The licenses  
8 shall be processed and issued only upon authorization of the  
9 appropriate bureau, board or commission, or upon the  
10 authorization of the commissioner in the case of those  
11 licenses granted directly by the department. The computer  
12 services section shall maintain a central register  
13 containing the name and address of each person or firm  
14 licensed by profession, occupation or industry and such  
15 other information as the commissioner may direct for  
16 administration, information or planning purposes. The  
17 commissioner, with the advice of the respective bureaus,  
18 boards and commissions, may determine the type and form of  
19 licenses issued by all agencies within the department. The  
20 computer services section shall perform such other  
21 administrative services for the agencies within the  
22 department as the commissioner may direct.

24 **Sec. B-3. 10 MRSA §8003, sub-§6**, as repealed and replaced by  
25 PL 1983, c. 553, §13, is amended to read:

26 **6. Funding.** The commissioner may assess each internal  
27 bureau, board or commission served by the Division of  
28 Administrative Services or by the Division of Licensing and  
29 Enforcement its reasonable share of an amount sufficient to cover  
30 the cost of operating the divisions. The commissioner may assess  
31 any board affiliated with the department for the services the  
32 board receives from the department.

34 **Sec. B-4. 32 MRSA §1075, last ¶**, as enacted by PL 1977, c. 604,  
35 §14, is amended to read:

36 The commissioner shall not have the authority to exercise or  
37 interfere with exercise of discretionary, regulatory or licensing  
38 authority granted by statute to the board. The commissioner may  
39 require the board to be accessible to the public for complaints  
40 and questions during regular business hours and to provide any  
41 information the commissioner requires in order to ensure that the  
42 board is operating administratively within the requirements of  
43 this chapter.

44 **Sec. B-5. 32 MRSA §1076**, as amended by PL 1985, c. 748, §42,  
45 is further amended to read:

2           **§1076. Budget**

4           The board shall submit to the Commissioner of Professional  
6           and Financial Regulation its budgetary requirements in the same  
8           manner as is provided in Title 5, section 1665, and the  
10           commissioner shall in turn transmit these requirements to the  
12           Bureau of the Budget without any revision, alteration or change,  
14           unless alterations are mutually agreed upon by the department and  
16           the board or the board's designee. The budget submitted by the  
18           board to the commissioner must be sufficient to enable the board  
20           to comply with this subchapter.

22           **Sec. B-6. 32 MRSA §1308, 4th ¶**, as amended by PL 1983, c. 758,  
24           §5, is further amended to read:

26           The commissioner shall not have the authority to exercise or  
28           interfere with the exercise of discretionary, regulatory or  
30           licensing authority granted by statute to the board. The  
32           commissioner may require the board to be accessible to the public  
34           for complaints and questions during regular business hours, ~~to~~  
36           ~~maintain copies of all application materials with the department~~  
38           and to provide any information the commissioner requires in order  
40           to assure ensure that the board is operating administratively  
42           within the requirements of this chapter.

44           **Sec. B-7. 32 MRSA §1308, last ¶**, as corrected by RR 1993, c. 1,  
46           §83, is amended to read:

48           The board shall submit to the Commissioner of Professional  
and Financial Regulation its budgetary requirements in the same  
manner as is provided in Title 5, section 1665. The budget  
submitted by the board to the commissioner must be sufficient to  
enable the board to comply with this subchapter.

**Sec. B-8. 32 MRSA §2153, sub-§10-A**, as enacted by PL 1977, c.  
604, §21, is amended to read:

**10-A. Liaison; limitations.** The commissioner shall act as a  
liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or  
interfere with the exercise of discretionary, regulatory or  
licensing authority granted by statute to the board. The  
commissioner may require the board to be accessible to the public  
for complaints and questions during regular business hours and to  
provide any information the commissioner requires in order to  
ensure that the board is operating administratively within the  
requirements of this chapter.

2           **Sec. B-9. 32 MRSA §2153, sub-§10-B**, as amended by PL 1985, c.  
748, §42, is further amended to read:

4           **10-B. Budget.** The board shall submit to the Commissioner of  
6 Professional and Financial Regulation its budgetary requirements  
in the same manner as is provided in Title 5, section 1665, and  
8 the commissioner shall in turn transmit these requirements to the  
Bureau of the Budget without any revision, alteration or change,  
10 unless alterations are mutually agreed upon by the department and  
the board or the board's designee. The budget submitted by the  
12 board to the commissioner must be sufficient to enable the board  
to comply with this subchapter.

14           **Sec. B-10. 32 MRSA §2418, last ¶**, as repealed and replaced by  
PL 1977, c. 604, §22, is amended to read:

16           The commissioner shall not have the authority to exercise or  
18 interfere with the exercise of discretionary, regulatory or  
licensing authority granted by statute to the board. The  
20 commissioner may require the board to be accessible to the public  
for complaints and questions during regular business hours and to  
22 provide any information the commissioner requires in order to  
ensure that the board is operating administratively within the  
24 requirements of this chapter.

26           **Sec. B-11. 32 MRSA §2418-A**, as amended by PL 1985, c. 748,  
§42, is further amended to read:

28           **§2418-A. Budget**

30           The board shall submit to the Commissioner of Professional  
32 and Financial Regulation its budgetary requirements in the same  
manner as is provided in Title 5, section 1665, and the  
34 commissioner shall in turn transmit these requirements to the  
Bureau of the Budget without any revision, alteration or change,  
36 unless alterations are mutually agreed upon by the department and  
the board or the board's designee. The budget submitted by the  
38 board to the commissioner must be sufficient to enable the board  
to comply with this subchapter.

40           **Sec. B-12. 32 MRSA §2563, last ¶**, as repealed and replaced by  
42 PL 1977, c. 604, §24, is amended to read:

44           The commissioner shall not have the authority to exercise or  
interfere with the exercise of discretionary, regulatory or  
46 licensing authority granted by statute to the board. The  
commissioner may require the board to be accessible to the public  
48 for complaints and questions during regular business hours and to  
provide any information the commissioner requires in order to  
50 ensure that the board is operating administratively within the  
requirements of this chapter.

2           **Sec. B-13. 32 MRSA §2563-A**, as amended by PL 1985, c. 748,  
3           §42, is further amended to read:

4           **§2563-A. Budget**

6           The board shall submit to the Commissioner of Professional  
7           and Financial Regulation its budgetary requirements in the same  
8           manner as is provided in Title 5, section 1665, and the  
9           commissioner shall in turn transmit these requirements to the  
10           Bureau of the Budget without any revision, alteration or change,  
11           unless alterations are mutually agreed upon by the department and  
12           the board or the board's designee.

14           **Sec. B-14. 32 MRSA §3269, sub-§13**, as enacted by PL 1977, c.  
15           604, §29, is amended to read:

17           **13. Liaison; limitation.** The commissioner shall act as a  
18           liaison between the board and the Governor.

19           The commissioner shall not have the authority to exercise or  
20           interfere with the exercise of discretionary, regulatory or  
21           licensing authority granted by statute to the board. The  
22           commissioner may require the board to be accessible to the public  
23           for complaints and questions during regular business hours and to  
24           provide any information the commissioner requires in order to  
25           ensure that the board is operating administratively within the  
26           requirements of this chapter.

28           **Sec. B-15. 32 MRSA §3269, sub-§14**, as amended by PL 1985, c.  
29           748, §42, is further amended to read:

31           **14. Budget.** The board shall submit to the Commissioner of  
32           Professional and Financial Regulation its budgetary requirements  
33           in the same manner as is provided in Title 5, section 1665, and  
34           the commissioner shall in turn transmit these requirements to the  
35           Bureau of the Budget without any revision, alteration or change,  
36           unless alterations are mutually agreed upon by the department and  
37           the board or the board's designee.

38           **Sec. B-16. 32 MRSA §3271, sub-§2**, as amended by PL 1989, c. 5,  
39           §2, is further amended to read:

41           **2. Postgraduate training.** Each applicant who has graduated  
42           from an accredited medical school on or after January 1, 1970 is  
43           required to have satisfactorily completed at least 24 months in a  
44           graduate educational program approved by the Accreditation  
45           Council on Graduate Medical Education, the Canadian Medical  
46           Association or the Royal College of Physicians and Surgeons of  
47           Canada. Each applicant who has graduated from an accredited  
48           Canada. Each applicant who has graduated from an accredited  
49           Canada. Each applicant who has graduated from an accredited  
50           Canada. Each applicant who has graduated from an accredited



2 medical school prior to January 1, 1970, is required to have  
3 satisfactorily completed at least 12 months in a graduate  
4 educational program approved by the Accreditation Council on  
5 Graduate Medical Education, the Canadian Medical Association or  
6 the Royal College of Physicians and Surgeons of Canada. Each  
7 applicant who has graduated from an unaccredited medical school  
8 is required to have satisfactorily completed at least 36 months  
9 in a graduate educational program approved by the Accreditation  
10 Council on Graduate Medical Education, the Canadian Medical  
11 Association, the Royal College of Physicians and Surgeons of  
12 Canada or ~~approved by an accrediting body which the board~~  
13 ~~considers an equivalent of the accrediting bodies~~ the Royal  
14 Colleges of Physicians of England, Ireland or Scotland.  
15 Notwithstanding this subsection, any applicant who is board  
16 certified in family practice and who graduated prior to July 1,  
17 1974, is board certifiable, board certified or board eligible in  
18 emergency medicine and who graduated prior to July 1, 1982, shall  
19 be deemed to meet the postgraduate training requirements of this  
20 subsection.

21 **Sec. B-17. 32 MRSA §§3604 and 3606**, as amended by PL 1985, c.  
22 748, §42, are further amended to read:

23 **§3604. Reports; liaison; limitations**

24 On or before August 1st of each year, the board shall submit  
25 to the Commissioner of Professional and Financial Regulation, for  
26 the preceding fiscal year ending June 30th, its annual report of  
27 its operations and financial position, together with such  
28 comments and recommendations as the ~~commission~~ board deems  
29 essential.

30 The commissioner shall act as a liaison between the board  
31 and the Governor.

32 The commissioner shall not have the authority to exercise or  
33 interfere with the exercise of discretionary, regulatory or  
34 licensing authority granted by statute to the board. The  
35 commissioner may require the board to be accessible to the public  
36 for complaints and questions during regular business hours and to  
37 provide any information the commissioner requires in order to  
38 ensure that the board is operating administratively within the  
39 requirements of this chapter.

40 **§3606. Budget**

41 The board shall submit to the Commissioner of Professional  
42 and Financial Regulation its budgetary requirements in the same  
43 manner as is provided in Title 5, section 1665, and the  
44 commissioner shall in turn transmit these requirements to the  
45

2 Bureau of the Budget without any revision, alteration or change,  
3 unless alterations are mutually agreed upon by the department and  
4 the board or the board's designee. The budget submitted by the  
5 board to the commissioner must be sufficient to enable the board  
6 to comply with this subchapter.

8  
10 **STATEMENT OF FACT**

12 Part A of this bill accomplishes the following.

14 1. It amends the membership of the Nursing Home  
15 Administrators Licensing Board by changing the number of members  
16 from 8 to 7 by excluding the designation of a hospital  
administrator.

18 2. It replaces the language outlining the detailed  
19 complaint procedure for the Board of Chiropractic Examination and  
20 Registration with a brief general statement authorizing the board  
21 to investigate a complaint.

22 3. It clarifies examination deadlines and fees required to  
23 become a licensed electrician in the State.

26 4. It removes the obsolete designation of one seat on the  
27 Board of Hearing Aid Dealers and Fitters that was for a member of  
28 the discontinued Maine Committee on Aging; it also modifies the  
29 language of the Maine Revised Statutes, Title 32, section 1660-A  
30 to make it gender-neutral.

32 5. It makes it a criminal violation for any person, firm or  
33 corporation to make an oil or solid fuel burning installation  
34 without first obtaining a license.

36 6. It amends the membership of the Oil and Solid Fuel Board  
37 to eliminate the Commissioner of Professional and Financial  
38 Regulation's designee and provide for a gubernatorial appointee  
39 who is a representative of manufacturers or purveyors of  
40 equipment that requires product registration with the board.

42 7. It repeals the provision for referrals to physical  
43 therapists from other health practitioners.

44 8. It clarifies the supervision requirements for journeyman  
45 plumbers and removes an outdated provision from the plumber  
46 licensing laws that no longer applies.

48 9. It clarifies reciprocity provisions to become a licensed  
50 professional forester in the State.

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

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

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

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

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

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

40           16. It defines "acupuncture intern" and makes an exception  
to the acupuncture licensing laws to enable students of  
42 acupuncture to acquire clinical experience under supervision.

44           17. It eliminates the provision mandating an informal  
conference between the Board of Commissioners of the Profession  
46 of Pharmacy and a licensee against whom a complaint has been  
filed to be conducted in executive session.

48           18. It discontinues the provisions for eligibility for  
50 licensure of existing counselors who have not passed an

examination prescribed by the Board of Counseling Professionals  
Licensure.

Part B of the bill accomplishes the following.

1. It clarifies the authority of the Commissioner of Professional and Financial Regulation to review boards that are affiliated with the Department of Professional and Financial Regulation.

2. It includes boards affiliated with the Department of Professional and Financial Regulation among the other state agencies to which the Division of Administrative Services provides assistance. It also allows the Commissioner of Professional and Financial Regulation to assess the affiliated boards for services rendered by the department.

3. It clarifies that the Commissioner of Professional and Financial Regulation may require the Board of Dental Examiners, the State Board of Nursing, the State Board of Optometry, the Board of Osteopathic Examination and Registration, the Board of Registration in Medicine and the Board of Examiners of Podiatrists to be accessible to the public and that each board provide the commissioner with any requested information to ensure that the board is operating administratively within the requirements of the law.

4. It amends the laws concerning the budgets of the Board of Dental Examiners, the State Board of Nursing, the State Board of Optometry, the Board of Osteopathic Examination and Registration, the Board of Registration in Medicine and the Board of Examiners of Podiatrists to allow the Department of Professional and Financial Regulation to alter the budgets submitted by the boards upon mutual agreement between the individual boards and the department.

5. It requires that the budgets submitted by the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Nursing, the State Board of Optometry and the Board of Examiners of Podiatrists must be sufficient to enable the boards to fulfill their requirements.

6. It eliminates a provision of the law that gave the Board of Registration in Medicine discretion to find a physician qualified for medical practice licensure if the physician had at least 36 months of postgraduate training in a country other than the United States or Canada if the training program was approved by an accrediting body that the board determined to be equivalent of the Accreditation Council on Graduate Medical Education in the United States, the Canadian Medical Association or the Royal

2 College of Physicians and Surgeons in Canada. This bill provides  
4 for the completion of a graduate educational program approved by  
6 the Royal Colleges of Physicians of England, Ireland or Scotland.

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10 **This document has not yet been reviewed to determine the**  
12 **need for cross-reference, stylistic and other technical**  
**amendments to conform existing law to current drafting standards.**