

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 645

S.P. 248

In Senate, February 28, 1995

**An Act Concerning Licensing of Clinical Counselors.**

(EMERGENCY)

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senators: PARADIS of Aroostook, RAND of Cumberland, Representatives: AULT of Wayne, BOUFFARD of Lewiston, DAGGETT of Augusta, HATCH of Skowhegan, JOSEPH of Waterville, KILKELLY of Wiscasset, MITCHELL of Vassalboro.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** current law governing the licensing of counselors  
"grandfathers" persons who were practicing counseling prior to  
January 1, 1991; and

8  
10           **Whereas,** this Act repeals that provision, effective June 30,  
1995; and

12           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14           Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16           safety; now, therefore,

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

20           **Sec. 1. 32 MRSA §13851, sub-§2,** as enacted by PL 1989, c. 465,  
§3, is amended to read:

22           **2. Clinical counselor.** "~~Clinical professional~~ counselor"  
24           means a professional counselor who renders or offers to render  
for a fee, monetary or otherwise, to individuals, families,  
26           groups, organizations or the general public, a counseling service  
involving the application of the principles and procedures of  
28           counseling to assess and treat intrapersonal and interpersonal  
problems and other dysfunctional behaviors and to assist in the  
30           overall development and adjustment of those served.

32           **Sec. 2. 32 MRSA §13852, sub-§2,** as amended by PL 1991, c. 263,  
§2, is further amended to read:

34           **2. Members.** The board consists of 13 members, 12 of them  
36           appointed by the Governor. Each member must be a citizen of the  
United States and a resident of this State. Eight members must  
38           be licensed counseling professionals under this chapter, 2 of  
whom must be professional counselors, 2 must be clinical  
40           ~~professional~~ counselors, 2 must be marriage and family therapists  
and 2 must be pastoral counselors. Two members must be  
42           registered counseling professionals who are not qualified for  
licensure. Each counselor member must have been, for at least 5  
44           years immediately preceding appointment, actively engaged as a  
practitioner, educator or researcher. Two members must be  
46           representatives of the general public and may not be currently  
practicing counseling or receiving compensation for counseling  
48           services. One of the 2 public members must be a consumer of  
counseling services. One member, appointed by the Chancellor of

2 the University of Maine System, must be a member of the  
3 university faculty involved in the training of counselors.

4 **Sec. 3. 32 MRSA §13854, sub-§1**, as amended by PL 1989, c. 895,  
5 §7, is further amended to read:

6  
7 **1. Licensing.** Effective October 1, 1992, no person may,  
8 unless specifically exempted by this chapter, profess to be a  
9 clinical ~~professional~~ counselor, professional counselor, marriage  
10 and family therapist, licensed pastoral counselor or conditional  
11 license holder unless licensed in accordance with this chapter.

12  
13 **Sec. 4. 32 MRSA §13855**, as affected by PL 1991, c. 263, §§5  
14 and 6, is amended to read:

15 **§13855. Psychological testing; assessment services**

16  
17 Nothing in this chapter may be construed as permitting  
18 clinical ~~professional~~ counselors, professional counselors,  
19 marriage and family therapists, pastoral counselors or  
20 conditional license holders to hold themselves out to the public  
21 as psychologists or psychological examiners as defined in section  
22 3811, subsection 1, or to offer primarily or solely the services  
23 of psychological testing. The board shall adopt ethical  
24 standards relating to the utilization of assessment techniques.

25  
26 **Sec. 5. 32 MRSA §13858, sub-§2**, as enacted by PL 1989, c. 465,  
27 §3, is amended to read:

28  
29 **2. Licensed clinical counselor.** To be qualified as a  
30 licensed clinical ~~professional~~ counselor, an applicant shall must  
31 have demonstrated to the satisfaction of the board adherence to  
32 the ethics of the counseling profession, shall have successfully  
33 completed the examination prescribed by the board and shall have  
34 received:

35  
36 A. A master's degree in counseling or an allied mental  
37 health field from an accredited institution or program  
38 approved by the board. Such schooling shall must include a  
39 minimum core curriculum, as adopted by the board, of at  
40 least 45 semester hours; and

41  
42 B. Two years of experience after obtainment of a master's  
43 degree, to include at least 3,000 hours of supervised  
44 clinical experience with a minimum of 100 hours of personal  
45 supervision.

46  
47 **Sec. 6. 32 MRSA §13858, sub-§6**, as repealed and replaced by PL  
48 1991, c. 263, §4, is amended to read:

2           **6. Existing counselors.** An individual who holds at least a  
3 master's degree from a nationally or regionally accredited  
4 institution approved by the board or its equivalent, as  
5 determined by the board, in counseling, an allied mental health  
6 field or a behavioral or social science; has supervised  
7 experience as determined necessary by the board through  
8 rulemaking or has passed an examination prescribed by the board;  
9 and was actively engaged as a counselor for at least 2 of the  
10 preceding 5 years prior to January 1, 1991, is deemed to have met  
11 all the requirements for licensure. This subsection is repealed  
12 June 30, 1995.

13           **Sec. 7. 32 MRSA §13859, sub-§1, ¶A,** as amended by PL 1989, c.  
14 895, §15, is further amended to read:

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

18           **Emergency clause.** In view of the emergency cited in the  
19 preamble, this Act takes effect when approved.  
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### STATEMENT OF FACT

27           Current law governing the licensing of counselors  
28 "grandfathers" persons who were practicing counseling prior to  
29 January 1, 1991. This bill repeals that provision, effective  
30 June 30, 1995.

31           The bill also changes the titles of "licensed clinical  
32 professional counselor" and "clinical professional counselor" to  
33 "licensed clinical counselor" and "clinical counselor,"  
34 respectively.  
35  
36