

MAINE STATE LEGISLATURE

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Date: 4/18/2018

L.D. 912
(Filing No. S-490)

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STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 640, L.D. 912, Bill, "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy"

Amend the amendment in section 1 in §1500-J in subsection 1 by striking out all of paragraph A (page 1, lines 20 to 32 and page 2, lines 1 and 2 in amendment) and inserting the following:

'A. "Conversion therapy" means any practice or course of treatment that seeks to change an individual's sexual orientation or gender identity, including, but not limited to, any effort to change gender expression or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include the following:

- (1) Counseling or treatment intended to assist an individual undergoing a gender transition;
- (2) Counseling intended to provide acceptance, support and understanding to the individual; and
- (3) Counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention such as talk therapy that is neutral with regard to sexual orientation and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity.'

Amend the amendment in section 1 in §1500-J by striking out all of subsection 3 (page 2, lines 7 to 13 in amendment) and inserting the following:

'3. Exceptions. This section does not apply to the activities and services of any priest, rabbi, member of the clergy, including a Christian Science healer, or minister of the gospel of any religious denomination when performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination, as long as that priest, rabbi, member of the clergy or minister does not advertise, offer or administer conversion therapy to or for individuals under 18 years of age in exchange for monetary compensation in addition to the monetary compensation

SENATE AMENDMENT

1 that the priest, rabbi, member of the clergy or minister receives as an employee of the
2 specific synagogue or church.'

3 Amend the amendment by striking out all of section 2 and inserting the following:

4 '**Sec. 2. 20-A MRSA §13020, sub-§2-A** is enacted to read:

5 **2-A. Grounds for discipline of a school psychologist or guidance counselor.**
6 Evidence that a person who is certified under this Title as a school psychologist or
7 guidance counselor has administered conversion therapy as defined in Title 10, section
8 1500-J to a child within the last 5 years is grounds for discipline of that person.'

9 Amend the amendment in section 3 in subsection 3 in the first line (page 2, line 24 in
10 amendment) by inserting after the following: "immoral" the following: 'or prohibited'

11 Amend the amendment in section 3 in subsection 3 in the 6th line (page 2, line 29 in
12 amendment) by inserting after the following: "child" the following: 'within the last 5
13 years'

14 Amend the amendment in section 37 in subsection 1 in paragraph C in the last line
15 (page 7, line 19 in amendment) by inserting after the following: "risks;" the following:
16 'and'

17 Amend the amendment in section 37 in subsection 1 by striking out all of paragraph
18 D (page 7, lines 20 and 21 in amendment).

19 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
20 or section number to read consecutively.

21 **SUMMARY**

22 This amendment clarifies that a school psychologist or guidance counselor who
23 administers conversion therapy is subject to sanctions, which could include certificate
24 revocation and suspension, and only for conduct that occurred within 5 years. The
25 amendment specifies that the legislation does not apply to the activities of a priest, rabbi,
26 member of the clergy or minister unless that person receives monetary compensation
27 specifically for those activities. This amendment also removes from the legislative
28 findings and intent section language regarding the United Nations Committee against
29 Torture and Human Rights.

30 **SPONSORED BY:** _____

31 (Senator KATZ)

32 **COUNTY: Kennebec**