

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

training needs of labor-intensive new or expanding industries; and

Whereas, it is necessary to provide an immediate response to sudden decreases in employment, particularly in areas where the economy is based primarily on a sole source; and

Whereas, a major employer in the northern Penobscot region has announced the termination of 200 jobs in the fall of 1989 and winter of 1990; and

Whereas, the increase in unemployment will create a serious hardship for many citizens of the Penobscot and Piscataquis areas; and

Whereas, assistance is required due to this unusual, unforeseen and extraordinary need; and

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

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

5 MRSA §1507, sub-§5-A, as amended by PL 1989, c. 443, §9, is further amended to read:

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of ~~labor-intensive~~ labor-intensive new or expanding industries. In fiscal year 1989-90 \$75,000 of this amount may also be allocated for immediate job training, unemployment counseling, retraining and other assistance to displaced workers. In fiscal year 1989-90, an additional \$75,000 of this amount may also be allocated for immediate job training, unemployment counseling, retraining and other assistance to displaced workers in the mid-coast area of the State. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor shall be formulated subsequent to their consultation with the Commissioner of Educational and Cultural Services, the Executive Director of the Maine Technical College System and the director of the appropriate service delivery area as defined by the Job Training Partnership Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 24, 1990.

CHAPTER 894

S.P. 701 - L.D. 1839

An Act Related to the Systems Assessment Commission

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

Whereas, the Systems Assessment Commission is required to issue its final report by April 1, 1990; and

Whereas, information necessary for the commission to complete its work will not be available until July 1, 1990; and

Whereas, the commission cannot meet the April 1, 1990 deadline; and

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

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

Sec. 1. PL 1989, c. 501, Pt. BB, §8, ¶G is amended to read:

G. The commission has the following duties.

(1) The commission, with the assistance of the Department of Mental Health and Mental Retardation, the Superintendent of the Augusta Mental Health Institute, the Superintendent of the Bangor Mental Health Institute and any other agency or department of State Government, shall develop a long-range plan for the Augusta Mental Health Institute and the Bangor Mental Health Institute. The plan shall include consideration of the creation of a smaller acute care facility or facilities to take the place of the current facilities and any other option for humane, safe and cost-effective delivery of services to Maine's mentally ill citizens. Following the development of a long-range plan for the Augusta Mental Health Institute, the commission shall develop a plan for the Bangor Mental Health Institute. Any plans developed shall also include an assessment of the need for and delivery of community services, including consideration of the drafting of model legislation governing the delivery of mental health services statewide. The commission shall coordinate with the Bureau of Public Improvements, the State

House and Capitol Park Commission and the Supreme Judicial Court Plan and Design Commission in the development of its plans for the Augusta Mental Health Institute and the Bangor Mental Health Institute.

(2) The commission shall issue a preliminary report to the Joint Standing Committee on Human Resources no later than January 15, 1990. Copies of this report shall be sent to the Maine Commission on Mental Health, legislative leadership, the Joint Standing Committee on Appropriations and Financial Affairs and to the Governor. The plan shall include a preliminary assessment of the issue. The commission shall include any necessary adjustments to its budget which reflect anticipated costs for contracts and other services necessary for the development of the long-range plan. A final report shall be issued to the ~~144th~~ 115th Legislature no later than ~~April 4~~ December 15, 1990. This report shall include a complete plan for the Augusta Mental Health Institute and the Bangor Mental Health Institute, including a full assessment of an alternative facility or facilities, community resources which are needed, costs, time frames and necessary implementing legislation.

Sec. 2. PL 1989, c. 501, Pt. A, §1, under that part designated "MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF" in that part relating to "Systems Assessment Commission," by inserting at the end the following:

These funds may not lapse but must be carried forward to June 30, 1991.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 24, 1990.

CHAPTER 895

S.P. 730 - L.D. 1929

An Act to Amend the Counseling Licensing Laws

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

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

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

4. Conditional license. "Conditional license" means a license granted to an ~~individual who has met all~~

~~the requirements~~ applicant for licensure as who has met all the requirements defined in section 13858 ~~and is in the process of obtaining 2 years of, except for supervised experience beyond the master degree.~~

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

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

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

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

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

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

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