

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
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**CHAPTER 202-B****PROHIBITED CREDIT CARD PRACTICES INVOLVING PROVIDERS OF TRAVEL SERVICES****§1141. Definitions**

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

**1. Credit card.** “Credit card” has the same meaning as “accepted credit card,” as defined in Title 9-A, section 8-103, subsection 1, paragraph A.

**2. Credit card issuer.** “Credit card issuer” has the same meaning as “card issuer,” as defined in Title 9-A, section 8-103, subsection 1, paragraph D.

**3. Provider of travel services.** “Provider of travel services” means a person, firm or corporation engaged in the business of furnishing travel, transportation or vacation services.

**4. Travel agent.** “Travel agent” means a person, firm, corporation, partnership or association, other than a common carrier as defined in Title 12, section 6001, subsection 8 or employee of a common carrier, that:

A. Is an officially appointed agent of a common carrier or is a member of a cruise lines association who operates exclusively as an agent for cruise lines in the sale of cruise travel products or services; and

B. As a legal agent for a provider of travel services:

(1) Sells or offers for sale travel, transportation or vacation arrangements;

(2) Negotiates for travel, transportation or vacation services; or

(3) Professes to be by solicitation, advertisement or other means a seller, contractor or arranger for travel, transportation or vacation services.

**§1142. Prohibited practice**

When a travel agent furnishes travel services to a consumer and the consumer uses a credit card to obtain credit in the transaction, the provider of travel services for which the travel agent is an agent may not as the result of the use of the credit card impose a surcharge on or reduce commissions paid to the travel agent. This prohibition does not apply if the provider of travel services is the issuer of the credit card used in the transaction.

**§1143. Remedies**

Any person injured as a result of a violation of section 1142 may seek damages and an injunction in a civil action. Any person likely to be injured by a violation of section 1142 may seek an injunction in a civil action. The court may award reasonable attorney’s fees to the plaintiff.

See title page for effective date.

**CHAPTER 262**

**H.P. 893 - L.D. 1290**

**An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters**

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

**Sec. 1. 38 MRSA §12**, as repealed and replaced by PL 1989, c. 287, §5, is amended to read:

**§12. Violation of subchapter**

Notwithstanding any provision in this subchapter Except as provided in section 13, a violation of this subchapter or any harbor ordinance may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, section 4452.

**Sec. 2. 38 MRSA §13** is enacted to read:

**§13. Failure to obey orders of harbormasters**

**1. Offense defined.** A person is guilty of failure to obey an order of a harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a harbormaster authorized pursuant to this subchapter.

**2. Penalty.** Failure to obey an order of a harbormaster is a Class E crime.

See title page for effective date.

**CHAPTER 263**

**S.P. 357 - L.D. 959**

**An Act to Exempt Certain Persons from the Counselors Licensure Laws**

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

**Sec. 1. 3 MRSA §927, sub-§11, ¶B**, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

- (1) State Civil Service Appeals Board;
- (2) Maine Labor Relations Board;
- (3) Workers' Compensation Commission;
- (4) Board of Accountancy;
- (5) State Board of Social Worker Licensure;
- (6) Electricians' Examining Board;
- (7) Maine Occupational Information Coordinating Committee; and
- (8) State Employee Health Commission; and
- (9) Board of Counseling Professionals Licensure.

**Sec. 2. 32 MRSA §13852, sub-§2**, as amended by PL 1989, c. 895, §4 and affected by §21, is further amended to read:

**2. Members.** The board consists of 13 members, 12 of them appointed by the Governor. Each member must be a citizen of the United States and a resident of this State. Eight members ~~shall~~ must be licensed counseling professionals under this chapter, 2 of whom must be professional counselors, 2 must be clinical professional counselors, 2 must be marriage and family therapists and 2 must be pastoral counselors. Two members must be registered counseling professionals who are not qualified for licensure. Each counselor member must have been, for at least 5 years immediately preceding appointment, actively engaged as a practitioner, educator or researcher. ~~Three~~ Two members 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.~~

**Sec. 3. 32 MRSA §13858, sub-§3-A, ¶B**, as enacted by PL 1989, c. 895, §12, is amended to read:

B. Received a Master of Divinity degree, or an equivalent degree approved by the board, from an accredited institution or program approved by the board. Academic preparation includes a minimum graduate core curriculum to include 20 credit hours of counseling and human relations and 400 hours of clinical pastoral education;

**Sec. 4. 32 MRSA §13858, sub-§6**, as enacted by PL 1989, c. 895, §14, is repealed and the following enacted in its place:

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

**Sec. 5. PL 1989, c. 895, §1** is repealed.

**Sec. 6. PL 1989, c. 895, §22** is amended to read:

**Sec. 22. Effective date.** ~~Section A-1 of this Act takes effect October 1, 2000.~~ The Maine Revised Statutes, Title 32, section 13853, subsection 14, enacted in section ~~A-6~~ 6 of this Act, takes effect January 1, 1991. Section ~~A-19~~ 19 of this Act takes effect October 1, 1992.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>Board of Counseling Professionals Licensure</b>		
Positions	(0.5)	(0.5)
Personal Services	\$6,787	\$8,550
All Other	5,000	5,000
Capital Expenditures	5,100	
Provides funds to the Board of Counseling Professionals Licensure for a part-time Clerk Typist II, per diem and expenses of board members, and operating expenses related to establishing a program of continuing education and supervision for counseling professionals.		
<b>DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION</b>		
<b>TOTAL</b>	<u>\$16,887</u>	<u>\$13,550</u>

**Sec. 8. Transition.** Within 30 days of the effective date of this Act, the Governor shall remove one of the public members of the Board of Counseling Professionals Licensure who is not required to be a consumer of counseling services and replace that member with a registered counselor who is not qualified for licensure.

See title page for effective date.