

# 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**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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Notwithstanding this chapter, all wells must be constructed and maintained in accordance with all other laws and rules in effect, including the water well information laws, Title 12, section 550-B.

**§4700-L. Penalties**

Any person, company, firm, partnership or corporation who willfully violates any standard or provision of this chapter commits a civil violation punishable by a fine of not more than \$1,000.

**Sec. B-2. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1991-92	1992-93
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Maine Water Well Drilling Program</b>		
Positions - Other Count	(1.0)	(1.0)
Personal Services	\$17,923	\$24,632
All Other	5,600	1,300
Capital Expenditures	2,000	
<p>Provides funds for a Clerk Typist III position, per diem and expenses for commission members, related costs and computer equipment to administer and implement the Maine Water Well Drilling Program.</p>		
<b>DEPARTMENT OF HUMAN SERVICES</b>		
<b>TOTAL</b>	<b>\$25,523</b>	<b>\$25,932</b>

See title page for effective date.

**CHAPTER 456**

**S.P. 505 - L.D. 1343**

**An Act Relating to the State Board of Substance Abuse Counselors**

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

**Sec. 1. 22 MRSA §§7208 and 7209** are enacted to read:

**§7208. Service provider report**

A community-based service provider shall provide to the State Board of Substance Abuse Counselors by January 31st of each year a listing of the number of clients to whom treatment was provided in the last year, the total elapsed time between the first and last visits of each client, the total number of times each client was seen, the number of clients seen during the year who at the end of that year

are still in treatment by that provider and the number of clients who have completed treatment. The department shall make providers aware of the requirement for filing this report.

Each year by January 31st the department shall provide to the State Board of Substance Abuse Counselors a list of certified individual providers.

**§7209. Client complaints**

At the time a client is referred for treatment, the person making the referral shall inform the client that any complaints concerning a community-based service provider may be made to the State Board of Substance Abuse Counselors and shall provide an address for the board.

At the first meeting with a client the community-based service provider treating the client shall inform the client that any complaints concerning the provider may be made to the State Board of Substance Abuse Counselors.

**Sec. 2. 32 MRSA §6203, sub-§1-A** is enacted to read:

**1-A. College level course.** “College level course” means any education class or program that includes at least 15 contact hours per credit.

**Sec. 3. 32 MRSA §6203, sub-§2**, as amended by PL 1987, c. 395, Pt. A, §194, is further amended to read:

**2. Consumer of substance abuse services.** A “consumer of substance abuse services” is a person affected by or ~~recovered~~ recovering from alcoholism, ~~chronic intoxication, or other drug abuse or drug dependency having evidenced a minimum of 2 years of sobriety or abstinence from drug abuse.~~

**Sec. 4. 32 MRSA §6203, sub-§3**, as enacted by PL 1977, c. 466, §2, is amended to read:

**3. Nonprovider.** A “nonprovider” means an individual who neither is presently nor has been any of the following for the past 3 years:

- A. A substance abuse counselor;
- B. An administrator or board member of a facility or program which that provides substance abuse services; or
- C. The spouse of any of those persons listed in paragraphs A and B.

**Sec. 5. 32 MRSA §6203, sub-§4-A**, as enacted by PL 1987, c. 395, Pt. A, §194, is amended to read:

**4-A. Associate substance abuse counselor.** ~~“Associate Substance Abuse Counselor~~ substance abuse counselor” means a practitioner who provides the ~~primary~~ primary service of professional substance abuse counseling to the public, ~~who demonstrates a competency in substance abuse counseling to particular settings, client populations or who are lacking in some areas of counseling skills to be capable of working independently for a fee, monetary or otherwise, who does not engage in private practice and who meets the criteria established in sections 6213 and 6214-A for an associate substance abuse counselor.~~

**Sec. 6. 32 MRSA §6203, sub-§5,** as amended by PL 1987, c. 395, Pt. A, §194, is further amended to read:

**5. Licensed substance abuse counselor.** ~~“Licensed substance abuse counselor”~~ means an individual who is providing the ~~primary~~ primary service of professional substance abuse counseling to the public, ~~who has demonstrated a broad range of clinical skills in the field of substance abuse counseling and is capable of working with a wide range of clients, in a wide range of treatment settings, and has demonstrated a competency to work independently for a fee, monetary or otherwise, and who meets the criteria established in sections 6213 and 6214-A for a licensed substance abuse counselor.~~

**Sec. 7. 32 MRSA §6203, sub-§6,** as enacted by PL 1977, c. 466, §2, is amended to read:

**6. Substance abuse counseling services.** ~~“Substance abuse counseling services”~~ are those counseling services offered ~~for a fee, monetary or otherwise,~~ as part of the treatment and rehabilitation of persons abusing ~~chemical substances~~ alcohol or other drugs. The purpose of substance abuse counseling services is to help individuals, families and groups confront and resolve problems caused by the abuse of ~~chemical substances~~ alcohol or other drugs. Substance abuse counseling services are the 12 core functions defined by rule of the board.

**Sec. 8. 32 MRSA §6203, sub-§7,** as amended by PL 1987, c. 395, Pt. A, §194, is repealed.

**Sec. 9. 32 MRSA §6204,** as amended by PL 1987, c. 395, Pt. A, §195, is further amended to read:

#### **§6204. Reporting**

No later than August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation, for the preceding fiscal year ending June 30th, an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential. The Commissioner of Professional and Financial Regulation shall maintain the board's funds in a separate account and shall provide the board with a quarterly accounting of its revenues and expenses. When submitting any budget request to the Legislature, the Department of Profes-

sional and Financial Regulation and the Governor shall provide that any funds for the State Board of Substance Abuse Counselors be listed in a separate account.

**Sec. 10. 32 MRSA §6205,** as repealed and replaced by PL 1987, c. 395, Pt. A, §196, is amended to read:

#### **§6205. Licensing**

~~No A person may represent himself not, unless specifically exempted by this chapter, practice as a substance abuse counselor or profess to the public to be, or assume or use the title or designation of, “inactive substance abuse counselor,” “licensed substance abuse counselor,” or “associate substance abuse counselor,” “registered substance abuse counselor” or the abbreviation “I.S.A.C.,” “L.S.A.C.,” or “A.S.A.C.” or “R.S.A.C.” or any other title, designation, words, letters or device tending to indicate that such a person is a “licensed,” “associate” licensed or “registered” substance abuse counselor registered, unless such person is licensed or registered with and holds a current and valid license or certificate of registration from the board. Any person who offers or gives substance abuse counseling services in violation of this section shall must be punished, upon conviction, by a fine of not less than \$50 and not more than \$500 for each such offense.~~

**Sec. 11. 32 MRSA §6206,** as amended by PL 1987, c. 395, Pt. A, §197, is repealed and the following enacted in its place:

#### **§6206. Exemptions**

**1. Peer groups; self-help.** Nothing in this chapter may prevent any person from engaging in or offering substance abuse services such as self-help, sponsorship through alcoholics or narcotics anonymous groups or other uncompensated substance abuse assistance.

**2. Government and school employees.** Nothing in this chapter may be construed to apply to the activities and services of an employee or other agent of a recognized academic institution; a federal, state, county or local government institution, a program agency or facility; or a school committee, school district, school approved for attendance purposes pursuant to Title 20-A, section 2901, school board or board of trustees, if the individual is performing those activities solely within the agency or under the jurisdiction of that agency and if a license granted under this chapter is not a requirement for employment.

**3. Clergy.** Nothing in this chapter may be construed to apply to the activities and services of any priest, rabbi, member of the clergy, 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.

**4. Interns.** Nothing in this chapter may be construed to apply to the activities and services of a student, intern or trainee in substance abuse counseling pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study.

**5. Other licensed counseling professionals.** Nothing in this chapter may prevent any other licensed counseling professional from engaging in or offering substance abuse counseling services if such a person does not profess to be providing the primary service of a substance abuse counselor.

**Sec. 12. 32 MRSA §6207**, as repealed and replaced by PL 1987, c. 395, Pt. A, §198, is amended to read:

**§6207. Registration required**

**1. Substance abuse counselor.** In order to safeguard the health and safety of Maine's citizens, any person who performs or offers to perform substance abuse counseling services as the primary service provided for a fee, monetary or otherwise, and referring to himself as professes to be a substance abuse counselor shall be is required to submit evidence that he is qualified of the qualifications to so practice and shall must be registered, certified or licensed in accordance with this chapter.

**2. Evidence of qualifications.** Any individual who is providing the primary service of professional substance abuse counseling to the public for a fee, monetary or otherwise, and who is not employed in a program certified or licensed by the State shall be is required to submit evidence that he is qualified of the qualifications to practice and shall must be licensed as a licensed substance abuse counselor as provided in this subchapter. Any individual who is providing the service of substance abuse counseling to the public for a fee, monetary or otherwise, and who is employed in a program certified or licensed by the State is required to register or be licensed pursuant to this chapter.

**3. Registration.** ~~Any individual who is providing the primary service of professional substance abuse counseling to the public, has demonstrated a competency in substance abuse counseling to particular settings or client populations and is employed in a program certified or licensed by the State must be registered with the board or may be certified as an associate substance abuse counselor as provided in this subchapter.~~

**Sec. 13. 32 MRSA §6208-A, sub-§1**, as amended by PL 1989, c. 831, §1, is further amended to read:

**1. Membership.** The State Board of Substance Abuse Counselors, as established by Title 5, section 12004-A, subsection 41, ~~shall consist~~ consists of 11

members. Nine members ~~shall be~~ are appointed by the Governor. One member ~~shall must~~ is the Director of the Office of Alcoholism and Drug Abuse Prevention Substance Abuse or a designee. One member, appointed by the Chancellor of the University of Maine System, ~~shall must~~ is a member of the university faculty involved in the training of substance abuse counselors. Of these 11 members, 5 members ~~shall must~~ are licensed substance abuse counselors. Two members ~~shall must~~ are nonproviders, one of whom ~~shall must~~ is a family member of a consumer of substance abuse services or a consumer of substance abuse services who has abstained from the use of alcohol and other drugs for a period of at least 2 years. One member ~~shall must~~ is a public member. One member ~~shall must~~ is a representative of a regional alcohol and drug abuse council. Members must represent a broad geographic distribution of the State and must be from among the professional associations representative of the field.

**Sec. 14. 32 MRSA §6210**, as amended by PL 1989, c. 831, §2, is further amended to read:

**§6210. Meetings; elections; quorum**

The board shall meet at least once a year to conduct its business and elect its officers. Additional meetings ~~shall may~~ may be held as necessary to conduct the business of the board, and may be convened at the call of the chair or a majority of the board members. ~~Five Six~~ Six members of the board ~~shall~~ constitute a quorum for all purposes.

The board shall elect a chair and ~~secretary~~ such officers as determined necessary to carry out the business of the board. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

**Sec. 15. 32 MRSA §6212, sub-§1**, as amended by PL 1989, c. 831, §3, is further amended to read:

**1. Set standards.** ~~In addition to these standards set forth in section 6212, the board in consultation with the Office of Alcoholism and Drug Abuse Prevention may set additional standards of eligibility for persons desiring to become substance abuse counselors. The board shall administer and enforce this chapter, set forth education and examination standards and evaluate the qualifications for licensure.~~ Any standards of eligibility set by the board must be clearly defined, measurable; and written; in accordance with accepted standards; and available to the public upon request.

**Sec. 16. 32 MRSA §6212, sub-§2**, as amended by PL 1989, c. 831, §4, is further amended to read:

**2. Adopt criteria.** The board, in cooperation with the Office of Alcoholism and Drug Abuse Prevention Substance Abuse, may design and adopt an examination

or other suitable criteria for establishing a candidate's knowledge, skill and experience in substance abuse counseling. Any criteria adopted by the board for establishing a candidate's knowledge, skill and experience in substance abuse counseling must be clearly defined, have an established ~~base-line~~ baseline scoring procedure that is objectively measured, ~~be~~ in writing and available to the public upon request.

**Sec. 17. 32 MRSA §6212, sub-§3**, as amended by PL 1989, c. 831, §5, is further amended to read:

**3. Registration and standards.** The board may register and set standards of practice for ~~licensed, certified and registered~~ all persons practicing as substance abuse counselors who are working in Maine. Any standards set by the board for practice for ~~licensed, certified and registered~~ substance abuse counselors working in Maine must be clearly defined, measurable; and written; in accordance with accepted standards; and available to the public upon request. Educational background must be a consideration in any licensing or registration standards adopted by the board.

**Sec. 18. 32 MRSA §6212, sub-§6**, as repealed and replaced by PL 1983, c. 413, §215, is amended to read:

**6. Complaints.** The board shall investigate, or cause to be investigated, all complaints made to it and all cases of noncompliance with or other violation of this chapter or any rules adopted by the board.

**Sec. 19. 32 MRSA §6212, sub-§7**, as amended by PL 1989, c. 831, §7, is further amended to read:

**7. Hearings.** Hearings ~~shall~~ must be conducted by the board to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of registration or licensure, or as otherwise deemed necessary to the fulfillment of its responsibilities under this chapter.

The board ~~shall~~ may not refuse to renew registration or licensure for any reason other than failure to pay a required fee, unless it has afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any person who is denied registration or licensure without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of application, the reasons for the denial of application and the applicant's right to request a hearing. Hearings ~~shall~~ must be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

**Sec. 20. 32 MRSA §6212, sub-§§8 to 11** are enacted to read:

**8. Records.** The board shall keep records and minutes for the ordinary dispatch of its functions.

**9. Code of ethics.** The board shall adopt a code of ethics generally in keeping with standards established by the national professional associations concerned with the areas of board responsibility.

**10. Issue licenses.** The board shall issue licenses as necessary to implement this chapter.

**11. Service provider reports.** The board shall keep on file for 2 years the service provider reports furnished under Title 22, section 7208. The board shall use the list supplied by the Department of Human Services under that section as an aid to ensure that all providers file the reports required by that section and that those reports are accurate. The board may take disciplinary action under subchapter IV for failure to provide the required reports and for intentional inaccuracies in the reported information. The board shall make a statistical compilation of these individual reports at the end of each year.

**Sec. 21. 32 MRSA §6213**, as amended by PL 1987, c. 395, Pt. A, §203, is further amended to read:

**§6213. Eligibility requirements for persons providing substance abuse counseling**

To be eligible to ~~apply for registration as a licensed or associate~~ practice as a substance abuse counselor, an applicant ~~shall~~ must:

**1. Age; education.** Be at least 18 years of age, have a high school diploma or its equivalent and demonstrate trustworthiness and competence to engage in the practice of substance abuse counseling in such a manner as to safeguard the interests of the public; and

**2. Qualifications.** ~~Have been employed in the profession of substance abuse counseling for a minimum of 2 years or have the equivalent of 2 years of paid employment as a substance abuse counselor. In determining such equivalent, an applicant shall have been employed at least one year in the profession of substance abuse counseling and the board may substitute work-based educational experience for the remaining period of required paid employment at a rate of no less than 2 months of work-based educational experience for each one-month period of required paid employment. In determining such equivalent, an applicant shall have been employed at least 1 1/2 years in the profession of substance abuse counseling and the board may substitute volunteer work for the remaining period of required paid employment at a rate of no less than 2 months of volunteer work for each one-month period of required paid employment; and~~

**3. Abstinence from drugs and alcohol.** Have abstained from the active abuse of alcohol or any other drug ~~which that~~ in the judgment of the board has been or could have been detrimental to the applicant's performance or competency as a substance abuse counselor. It is strongly recommended that applicants have abstained for at least the 2-year period immediately preceding the date on which application is made. In considering an applicant for registration, the board ~~shall~~ may not consider a history of previous alcoholism or drug addiction as an essential qualification nor disqualification for certification or licensure.

**Sec. 22. 32 MRSA §6213-A**, as enacted by PL 1987, c. 395, Pt. A, §204, is amended to read:

**§6213-A. Eligibility requirements for registration**

~~To be eligible to apply for registration as a registered substance abuse counselor, an applicant shall notify the State Board of Substance Abuse Counselors and provide their name, address and any other information as deemed necessary by the board. An individual may not practice as a substance abuse counselor for a fee, monetary or otherwise, unless that individual is licensed pursuant to this chapter or registers with the board. Each individual who is not licensed and who engages in substance abuse counseling shall register with the board every 2 years. Each individual who registers shall fill out a form designed by the board. A person registered to provide substance abuse services may not practice without supervision or engage in private practice.~~

**Sec. 23. 32 MRSA §6214-A**, as enacted by PL 1987, c. 395, Pt. A, §206, is amended to read:

**§6214-A. Eligibility requirements for qualification as a licensed substance abuse counselor or associate substance abuse counselor**

**1. Licensed substance abuse counselor.** The board shall issue a license to practice as a licensed substance abuse ~~counseling~~ counselor upon the affirmative vote of at least 5 6 members of the board to any applicant who has satisfactorily met the following minimal requirements:

A. Met the eligibility requirements set forth in section 6213;

B. Obtained a passing grade, as established by the board, on ~~any~~ the written and oral examinations the board ~~may prescribe~~ has prescribed by its rules;

~~C. Completed 30 semester hours of college level course work in appropriate social science fields or its equivalent in appropriate substance abuse training; and~~

C-1. Obtained at least an associate's degree in an appropriate social science field from an accredited institution or program approved by the board with a

concentration of course work in the 12 core functions defined by rule of the board;

~~D. Met any other criteria the board may prescribe by its rules;~~

D-1. Completed a minimum of 4,000 supervised direct client service hours in the 12 core functions defined by rule of the board. This work experience may be gained in any supervised activity, including volunteer work or student placement, that relates to the core functions described in the board's licensing examination; and

E. Provided documentation of experience with a wide range of clients, in a wide range of treatment settings while working independently.

**2. Associate substance abuse counselor.** The board may issue a certificate of registration license to practice as an associate substance abuse counselor upon the affirmative vote of 5 6 members of the board to any applicant who has met the following minimal requirements:

A. Met the eligibility requirements set forth in section 6213;

B. Obtained a passing grade, as established by the board, on the written exam ~~and a provisionally passing grade on the oral exam, as established by the board and prescribed by its rules; and~~

~~C. Met any other criteria the board may prescribe by its rules.~~

C-1. Completed 300 clock hours of education in appropriate social science fields or its equivalent in appropriate substance abuse training, with at least 50% of the education in college level courses related to the 12 core functions defined by rule of the board;

D. Completed 4,000 supervised direct client service hours in the 12 core functions defined by rule of the board. This work experience may be gained in any supervised activity, including volunteer work or student placement, that relates to the core functions; and

E. Provided documentation of experience in substance abuse counseling in one particular setting or client population.

**3. Reapplication for certificate.** Any applicant who is not issued a license or a certificate of registration may again apply for registration after a period of not less than 6 months from the date of the last denial.

**4. Other qualifications.** Any individual who has obtained a master's degree in counseling, substance abuse or a related field, who can document 1,000 hours of direct



service to clients with problems related to substance abuse, is eligible to apply for licensure and must be licensed in accordance with this chapter. The board may adopt rules to recognize exceptional education or experience that qualifies an applicant to apply for licensure.

**Sec. 24. 32 MRSA §6214-B, first ¶,** as enacted by PL 1987, c. 395, Pt. A, §206, is amended to read:

Any person registered by the board as a registered substance abuse counselor, R.S.A.C., prior to ~~the effective date of this section~~ September 1, 1987, shall is automatically be licensed as a licensed substance abuse counselor, L.S.A.C.

**Sec. 25. 32 MRSA §6214-B,** as enacted by PL 1987, c. 395, Pt. A, §206, is amended by adding at the end a new paragraph to read:

Any person who is licensed by the board as an associate substance abuse counselor, licensed substance abuse counselor or inactive substance abuse counselor who was actively engaged as a substance abuse counselor for one year prior to October 1, 1993, is deemed to have met all the requirements for that person's respective credential. Any registered substance abuse counselor shall, after October 1, 1993, cease using the title "registered substance abuse counselor" or the initials "R.S.A.C." unless that person has met the standards for licensure that existed prior to that date.

**Sec. 26. 32 MRSA §6215,** as amended by PL 1989, c. 831, §8, is further amended to read:

#### **§6215. Application; membership fees**

Application for registration as a registered substance abuse counselor, licensure as a licensed substance abuse counselor or certification as an associate substance abuse counselor must be on forms prescribed and furnished by the board. Application and examination fees may be established by the board in amounts that are reasonable and necessary for their respective purposes. ~~A biennial registration fee for registered substance abuse counselors must be established by the board in an amount not to exceed \$50 biennially. A biennial registration fee for licensed substance abuse counselors and associate substance abuse counselors must be established by the board in an amount not to exceed \$100. Successful applicants shall pay biennial fees of \$75 for registration, \$100 for licensure as an associate substance abuse counselor and \$150 for licensure as a substance abuse counselor.~~ The payment of fees is suspended during the term of inactive status.

**Sec. 27. 32 MRSA §6216, first ¶,** as repealed and replaced by PL 1989, c. 831, §9, is amended to read:

The board shall make reasonable arrangements for written and oral examinations to be held at such times

and places as necessary to accommodate those persons applying to take the examinations. The examinations must be graded using established written base-line scores for failure or passage, be based on accepted substance abuse counseling criteria and include measurable and clearly defined procedures for grading the results and issuing a pass or fail decision. Decisions on all examinations, oral and written, must be in writing and include a grade, a summary of the criteria for the grade and an explanation of the procedure for reexamination or appeal. Notice of the examination results must be forwarded to the applicants within 15 days of the date on which the examination was conducted. The notice must include a written explanation of the appeal process. The board may use fees generated from examinations to pay examination evaluators.

**Sec. 28. 32 MRSA §6217-A, sub-§5,** as repealed and replaced by PL 1983, c. 413, §218, is amended to read:

**5. Unprofessional conduct or negligence.** Any gross negligence, incompetency or misconduct or violation of the existing code of ethics in the performance of substance abuse services;

**Sec. 29. 32 MRSA §6217-A, sub-§6-A** is enacted to read:

**6-A. Incompetence in the practice of counseling.** Any incompetence in the practice of counseling such as engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the counselor to a client or engaging in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which that person is licensed, certified or registered; or

**Sec. 30. 32 MRSA §6217-A, sub-§7,** as enacted by PL 1983, c. 413, §218, is amended to read:

**7. Valid cause.** Any other valid cause including violation of any provision of this chapter or rule of the board.

**Sec. 31. 32 MRSA §6218,** as amended by PL 1987, c. 395, Pt. A, §210, is further amended to read:

#### **§6218. Issuance after denial, suspension or revocation**

The board, for reasons it may deem sufficient, may issue or reissue a license or certificate of registration to any person whose license or certificate of registration has been denied, suspended or revoked, provided that at least 5 members of the board vote in favor of that issuance. Any individual whose license or registration has been denied, suspended or revoked may apply to the board for licensure, registration or certification reinstatement one year after the date of the board's original action. A competency review is a condition of reinstatement. The board shall determine the nature of this re-

view and shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

**Sec. 32. 32 MRSA §6219**, as amended by PL 1989, c. 831, §10, is further amended to read:

**§6219. Expiration and renewal**

The license and certificate of registration expire biennially on August 31st or at such other time as the Commissioner of Professional and Financial Regulation may designate. Licensure or registration may be renewed for the succeeding 2-year period upon written application of the registrant, the approval of the board and the payment of the fee provided. A fee for renewal of license or certificate of registration is ~~\$100~~ \$150 biennially for licensing, \$100 biennially, for licensure as an associate substance abuse counselor and ~~\$50~~ \$75 biennially for registration, due and payable on or before the expiration date. Before a license or certificate of registration may be renewed, the applicant must present evidence of continued professional learning and training of a type acceptable to the board.

Licensure, certification or registration 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 license renewal date shall be 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 that renewal application is made within 2 years from the date of that expiration or if the applicant is a registered inactive substance abuse counselor. The board shall be responsible for mailing notification of the date of expiration of a license or a certificate of registration to any licensed substance abuse counselor, associate substance abuse counselor, inactive substance abuse counselor or registered substance abuse counselor not later than 30 days prior to the date of expiration. At a minimum, applicants for renewal must document 250 hours of supervised experience within the core functions defined by rule of the board and the successful completion of at least 50 hours of continuing education related to substance abuse during the 2-year period.

**Sec. 33. 32 MRSA §6220**, as amended by PL 1983, c. 413, §221, is further amended to read:

**§6220. Reciprocity**

The board may waive ~~any examinations~~ examination for applicants who are recognized by other credentialing bodies as having met qualifications and standards determined by the board to be equivalent to those set forth in this chapter.

**Sec. 34. Recommendations.** The State Board of Substance Abuse Counselors shall develop a plan to upgrade the education requirements for licensure as a substance abuse counselor, for additions to the University of Maine System and other educational facilities in the State that ensure that any education program needed to implement the recommendations of the board to upgrade education requirements are available in the State, and for any other modifications of the State's substance abuse licensing laws.

The board's plan must include the following:

1. Increased educational requirements for licensure as a substance abuse counselor, including consideration of a bachelor's degree minimum and the creation of at least one additional level of licensure that recognizes advanced educational training and experience beyond the associate's and bachelor's level;
2. An inventory of all of the education programs that are currently available in the substance abuse counseling field and related social sciences;
3. Recommendations for ensuring that the educational programs needed to carry out the board's recommendations are available in the State;
4. The establishment of an inactive status for substance abuse counselors that may be longer than 2 years and the criteria for renewal following that period of inactivity;
6. Recommendations on the appropriate compensation of board members, including the payment of a per diem; and
7. Recommended legislation to implement the board's final recommendations for the plan to upgrade education requirements for licensure.

The board must submit its report and legislative recommendations to the First Regular Session of the 116th Legislature. The final report must be filed no later than March 1, 1993.

**Sec. 35. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1991-92	1992-93
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>State Board of Substance Abuse Counselors</b>		
All Other	\$10,500	\$7,500
Provides funds for postage and printing costs associated		

with rulemaking and for evaluator services.

**Sec. 36. Effective dates.** That section of this Act that amends the Maine Revised Statutes, Title 32, section 6205 takes effect October 1, 1993. That section of this Act that amends Title 32, section 6213-A takes effect October 1, 1992. That section of this Act that amends Title 32, section 6214-A, subsections 1 and 2 takes effect October 1, 1996.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 457

S.P. 217 - L.D. 544

### An Act to Amend the Laws Governing Sexual Assault

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

**17-A MRSA §251, sub-§1, ¶E**, as enacted by PL 1981, c. 252, §1, is amended to read:

E. "Compulsion" means the use of physical force, a threat ~~of to use~~ physical force or a combination thereof ~~which that~~ makes a person unable to physically repel the actor or ~~which~~ produces in that person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that person or ~~upon~~ another human being.

"Compulsion" as defined in this paragraph places no duty upon the victim to resist the actor.

See title page for effective date.

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## CHAPTER 458

H.P. 462 - L.D. 653

### An Act Concerning Abandoned Property

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

**Sec. 1. 29 MRSA §2610, sub-§1**, as enacted by PL 1987, c. 598, §4, is repealed and the following enacted in its place:

**1. Application.** This section applies to a vehicle that is:

A. Towed at the request of the owner or driver;

B. Towed pursuant to section 1111;

C. Towed after being left on property without permission;

D. Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located; or

E. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

If a person abandons a vehicle described by this subsection, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this section. A vehicle is abandoned if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by subsection 2 or within 14 days of receipt of the notice required by subsection 3. A vehicle towed for snow removal purposes is exempt from this section for 48 hours immediately following completion of the tow.

**Sec. 2. 29 MRSA §2610, sub-§§2, 3 and 4**, as enacted by PL 1987, c. 598, §4, are amended to read:

**2. Owner and lienholder unknown.** If the owner of a vehicle described in subsection 1 is unknown, the owner of the premises or property where the vehicle is located shall inquire of the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle. That inquiry ~~shall be made no later than 30 days after receipt of the vehicle and shall~~ must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. Upon receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with ~~any information on record as to~~ the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

A. If the Secretary of State provides the name of the owner or lienholder, the holder of the vehicle shall comply with subsection 3.

B. If the Secretary of State finds no record of the vehicle, the owner of the premises or property where the vehicle ~~was brought or abandoned is located~~ shall publish, at least twice in a newspaper of general circulation in the county where the premises or property is located, a notice ~~which shall that~~ clearly ~~describe~~ describes the vehicle and ~~state states~~ that if the owner of the vehicle or lienholder has not properly ~~claimed~~ retrieved it and paid all reasonable ~~costs~~ and charges for its towing and storage within 14 days from the date of last publication, ownership of the vehicle ~~shall will~~ pass to the owner of the property or premises where the vehicle is located. The notice ~~shall must~~ clearly state how the owner of the premises or property may be contacted.