

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

A. Except as otherwise expressly agreed to by the Attorney General, all proposed administrative consent agreements must be reviewed and approved by the Department of the Attorney General before being sent to the alleged violator.

B. All proposed administrative consent agreements sent to the alleged violator must be accompanied by written correspondence from the department, in language reasonably understandable to a citizen, explaining the alleged violator's rights and responsibilities with respect to the proposed administrative consent agreement. The correspondence must include an explanation of the factors considered by the commissioner in determining the proposed civil penalty, a statement indicating that the administrative consent agreement process is a voluntary mechanism for resolving enforcement matters without the need for litigation and an explanation of the department's procedures for handling administrative consent agreements. The correspondence must also specify a reasonable time period for the alleged violator to respond to the proposed administrative consent agreement and offer the opportunity for a meeting with department staff to discuss the proposed agreement.

C. After a proposed administrative consent agreement has been sent to the alleged violator, the commissioner may revise and resubmit the agreement if further circumstances become known to the commissioner, including information provided by the alleged violator, that justify a revision.

D. The public may make written comments to the board at the board's discretion on an administrative consent agreement entered into by the commissioner and approved by the board.

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

Effective June 2, 1993.

CHAPTER 205

S.P. 87 - L.D. 241

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents

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

Sec. 1. 22 MRSA §1867, as enacted by PL 1991, c. 780, Pt. R, §2, is repealed and the following enacted in its place:

§1867. Distance restriction on placement of Medicaid recipients

The department may make Medicaid reimbursement for a nursing facility contingent on a maximum distance between a patient's home and the nursing facility if the maximum distance is not more than 60 miles; except that the distance restriction may not be applied to a Maine Veterans' Home.

See title page for effective date.

CHAPTER 206

H.P. 758 - L.D. 1025

An Act to Increase the Number of Moose Permits and Make Other Changes in the Moose Hunting Laws

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

Sec. 1. 12 MRSA §7463-A, sub-§1, as amended by PL 1985, c. 232, is repealed.

Sec. 2. 12 MRSA §7463-A, sub-§1-A is enacted to read:

1-A. Moose hunting districts and zones. The commissioner may establish one or more moose hunting districts. The commissioner may also establish moose hunting zones within those districts. Physical boundaries must be used to delineate all zones and districts. The boundaries of the districts and zones and the number of permits to be issued for each zone must be made public at least 14 days before application for permits may be made.

Sec. 3. 12 MRSA §7463-A, sub-§2, as enacted by PL 1981, c. 118, §2, is repealed.

Sec. 4. 12 MRSA §7463-A, sub-§2-A is enacted to read:

2-A. Number of permits. The commissioner may issue moose hunting permits according to the following schedule:

A. In 1994, no more than 1,200 permits;

B. In 1995, no more than 1,400 permits; and

C. In 1996 and in each year thereafter, no more than 1,500 permits.

Sec. 5. 12 MRSA §7463-A, sub-§3, as enacted by PL 1981, c. 118, §2, is amended to read:

3. Length of season. On or after January 1, 1982, the commissioner may establish open seasons on moose within the moose hunting ~~district~~ districts established by the commissioner under subsection 1-A, provided that the number of hunting days in each year does not exceed 6.

Sec. 6. 12 MRSA §7463-A, sub-§4, as amended by PL 1989, c. 493, §§37 and 76, is further amended to read:

4. Hunting permits. The In accordance with the provisions of subsections 1-A and 2-A, the commissioner may issue up to 1,000 moose hunting permits annually and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person possesses:

- A. A valid Maine hunting license, if the person is a resident of the State; or
- B. A valid Maine big game hunting license, if the person is a nonresident or alien.

The fee for a moose hunting permit is \$25 for residents and \$200 for nonresidents and aliens. While hunting moose, each nonresident or alien hunter, both permittee and subpermittee, ~~shall~~ must be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

Sec. 7. Effective date. This Act takes effect January 1, 1994.

Effective January 1, 1994.

CHAPTER 207

S.P. 262 - L.D. 800

An Act Regarding the Credentialing of School Psychological Service Providers

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

Sec. 1. 5 MRSA §12004-I, sub-§4, as enacted by PL 1989, c. 808, §1, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§12-A is enacted to read:

<u>12-A. Education</u>	<u>Advisory Committee on School Psychological Service Providers</u>	<u>20-A MRSA §13022</u>
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Sec. 3. 20-A MRSA §13022 is enacted to read:

§13022. School psychological service providers

1. Definition. For purposes of this section, a "school psychological service provider" is a professional who provides psychological assessment, consultation or direct services, other than psychotherapy, to students enrolled in a public school or approved private school.

2. Certification by commissioner. The commissioner shall certify school psychological service providers pursuant to rules adopted by the state board. The rules must include a code of ethics and practice standards for school psychological service providers, violation of which constitutes grounds for suspension or revocation of the certification.

3. Qualifications. State board rules governing the qualifications for a school psychological service provider certificate must require that a certificate be issued only to an applicant who has met the academic and preprofessional requirements established by the state board for the provision of school psychological services and who, at a minimum:

A. Holds a graduate degree from an accredited program in school psychology that was approved by the National Association of School Psychologists/National Council for Accreditation of Teacher Education or the American Psychological Association in School Psychology at the time the degree was awarded;

B. Has completed graduate work that is determined by the commissioner to be substantially similar to the programs referred to in paragraph A; or

C. Holds a valid license from the State Board of Examiners of Psychologists with demonstrated competency in the area of school psychology as established by the state board.

4. Term of issuance. The commissioner shall issue a school psychological service provider certificate for a term of years consistent with rules adopted by the state board. The length of the term may vary among certificate holders so as to be coterminous with any other professional license or certificate held by the school psychological service provider. The school psychological service provider certificate may be renewed in accordance with academic and professional requirements established by the state board.

5. Exclusive regulatory authority. The provisions of Title 32, chapter 56 do not apply to persons certified as school psychological service providers under this section except to the extent that such persons are also licensed or seek licensure under that chapter, engage in the practice of psychology beyond the scope of this section or hold themselves out as psychologists or psychological examiners.