

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

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Sec. 1. 5 MRSA §12004-I, sub-§4, as enacted by PL 1989, c. 808, §1, is repealed.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</u> <u>Committee on</u> <u>School</u> <u>Psychological</u> <u>Service</u> <u>Providers</u>	<u>20-A MRSA</u> <u>§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.

6. Designation. Persons certified under this section may hold themselves out as school psychological service providers or may use any business name incorporating variations of that title but may not hold themselves out as psychologists, psychological examiners or any business name incorporating variations of those titles unless they are appropriately licensed under Title 32, chapter 56.

7. Advisory committee. There is established within the department, in accordance with Title 5, section 12004-I, the Advisory Committee on School Psychological Service Providers, referred to in this subsection as "the committee."

A. The duties of the committee are:

(1) To advise the state board in the adoption of rules and a code of ethics and practice standards for school psychological service providers; and

(2) To assist the commissioner in:

(i) Certifying school psychological service providers;

(ii) Investigating alleged violations of the code of ethics and practice standards adopted by the state board; and

(iii) Investigating alleged violations of section 13020 and certification rules governing school psychological service providers.

B. The committee consists of 9 members appointed by the commissioner. The membership consists of 2 certified psychological service providers, 2 licensed psychologists, one faculty member from a graduate program in school psychology, one educator from a public school or approved private school and 3 parents or guardians of students.

C. Three members of the committee must be initially appointed for a term of one year, 3 for a term of 2 years and 3 for a term of 3 years. All appointments must be for a term of 3 years thereafter. Any member may serve beyond the expiration date of that member's term until a successor has been appointed and qualified. Any vacancy on the committee must be filled for the unexpired portion of the term. The committee shall elect its own chair.

D. Members of the committee are entitled to receive compensation according to the provisions of Title 5, chapter 379.

8. Transition. Persons certified as school psychologists and school psychological examiners on the effective

date of this section may continue to provide the services authorized by their respective certificates until the scheduled expiration of those certificates. The state board's rules must contain a schedule affording all certified school psychologists and school psychological examiners a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.

Sec. 3. 32 MRSA §3840, as amended by PL 1989, c. 700, Pt. A, §148, is repealed.

See title page for effective date.

CHAPTER 208

S.P. 354 - L.D. 1068

An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers

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

Sec. 1. 24-A MRSA §2169, as amended by PL 1983, c. 394, §5, is further amended to read:

§2169. Notice of free choice of agent or insurer

Every debtor, borrower or purchaser of property with respect to which insurance of any kind on the property is required in connection with a debt or loan secured by that property or in connection with the sale of that property ~~shall~~ **must** be informed by the creditor or lender at the time of application for the loan or at the outset of negotiations regarding the loan or sale of his that person's right of free choice in the selection of the agent and insurer through or by which the insurance is to be placed. There shall be no interference. Another person may not interfere either directly or indirectly with the borrower's, debtor's or purchaser's free choice of an agent and of an insurer which that complies with the requirements set out in section 2168, and the creditor or lender shall may not refuse an adequate policy so tendered by the borrower, debtor or purchaser. For purposes of this section, the term "policy" includes, but is not limited to, any temporary contract or binder, by whatever name known, under the terms of which insurance coverage commences at a specified time, and continues until a finished policy is issued or the risk is declined and coverage is terminated. Upon notice of any refusal of this tendered policy, the superintendent shall order the creditor or lender to accept the tendered policy, if he the superintendent determines that the refusal is not in accordance with the requirements set out in section 2168. Failure to comply with such an order of the superintendent shall be deemed is a violation of this section.

Sec. 2. 24-A MRSA §2170, sub-§2, as enacted by PL 1969, c. 132, §1, is amended to read: