

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste or to a municipally owned or operated solid waste disposal facility licensed before June 16, 1993.

Sec. 5. 38 MRSA §2201, 3rd ¶, as amended by PL 1997, c. 24, Pt. C, §15 and c. 526, §14, is further amended to read:

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the office's and the department's programs, including actions by the department necessary to abate ~~imminent~~ threats to public health, safety and welfare posed by the ~~illegal~~ disposal of solid waste. Funds related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the office and for the repayment of any obligations of the office incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the office and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, section 5219-D and Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all office activities other than those included in the operations account.

See title page for effective date.

CHAPTER 316

H.P. 768 - L.D. 987

An Act to Change Certain Educational Requirements for Licensed Social Workers

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

Sec. 1. 32 MRSA §7001-A, sub-§8, as enacted by PL 1985, c. 736, §2, is amended to read:

8. Licensed social worker. A "licensed social worker" is a person who has received a license as a licensed social worker from the board. In accordance with the provisions of section 7053, subsection 3-A, "licensed social worker" includes a person who has received a conditional license as a licensed social worker.

Sec. 2. 32 MRSA §7053, sub-§3, as repealed and replaced by PL 1989, c. 682, is amended to read:

3. Requirements to be a licensed social worker on or before June 30, 2002. ~~To be qualified to be licensed as a social worker an applicant must meet one of the following requirements. On or before June 30, 2002, the board may issue a license to an applicant who meets at least one of the requirements set out in this subsection:~~

A. The applicant must have received a bachelor's degree in social work or social welfare from an accredited educational institution; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession; and successfully completed the examination prescribed by the board; or

B. The applicant must have received a bachelor's degree in a related field from an institution that, at the time the degree was received, did not have a program accredited by the Council on Social Work Education but subsequently offered such a program; demonstrated to the satisfaction of the board adherence to the ethics of the social worker profession; and successfully completed the examination prescribed by the board.

The board shall issue rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, by which an individual who has a bachelor's degree that does not qualify under paragraph A or B may be eligible for a license.

The board may not issue a licensed social worker conditional license under this subsection after June 30, 2002. Individuals who have met the requirements of this subsection and have a licensed social worker conditional license issued prior to June 30, 2002, may continue to work towards full licensure as a licensed social worker under this subsection.

Sec. 3. 32 MRSA §7053, sub-§3-A is enacted to read:

3-A. Requirements for licensed social worker after June 30, 2002. Except for those who meet the requirements for licensure as a social worker under section 7053, subsection 3, after June 30, 2002, the

board may issue a conditional license or a license to an applicant who meets the requirements set out in this subsection.

A. Requirements for a conditional license for a licensed bachelor social worker include:

(1) Documented proof of a bachelor's degree in social work or social welfare from an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization;

(2) Three letters of professional recommendation written within one year of receipt by the board, 2 of which are provided by licensed social workers from any state;

(3) Evidence of employment in a social service delivery field;

(4) Evidence of an arrangement of consultation to be provided by one of the following:

(a) A licensed social worker with at least 5 years' experience;

(b) A licensed master social worker;

(c) A licensed clinical social worker;
or

(d) A certified social worker - independent practice.

(5) Payment of the application and license fee; and

(6) Demonstration to the satisfaction of the board adherence to the ethics of the social worker profession.

B. Requirements for a licensed social worker after June 30, 2002 include:

(1) Documented proof of a bachelor's degree in social work or social welfare from an accredited educational institution. If an applicant provides documented proof of a bachelor's degree in social work or social welfare from a program in candidacy for accreditation with the Council on Social Work Education or a successor organization, then the applicant must provide documented proof of 96 hours of consultation provided by a licensed social worker with at least 2 years' experience, a licensed master social worker, a licensed clinical social worker or a certified social worker - independent practice. This consultation must be concurrent with 3,200 hours of social work

employment occurring in a period not less than 2 years but not more than 4 years;

(2) An applicant with less than 2 years of social work employment must provide evidence of an arrangement of consultation provided by:

(a) A licensed social worker with at least 2 years' experience;

(b) A licensed master social worker;

(c) A licensed clinical social worker;
or

(d) A certified social worker - independent practice;

(3) Documentation of successfully passing the required examination;

(4) Three letters of professional recommendation written within one year of receipt by the board of which 2 are provided by social workers licensed in any state. If the applicant is conditionally licensed as a licensed social worker, one recommendation must be from the consultant to the applicant's conditional license;

(5) Evidence of employment in a social service delivery field;

(6) Payment of the application and license fee; and

(7) Demonstration to the satisfaction of the board adherence to the ethics of the social worker profession.

Sec. 4. 32 MRSA §7053-A, sub-§4, ¶E, as amended by PL 1989, c. 296, §1, is further amended to read:

E. Participate in training and education of social work students from an accredited institution or an educational institution in candidacy for accreditation with the Council on Social Work Education or a successor organization and supervise other licensed social workers.

Sec. 5. 32 MRSA §7060, as amended by PL 1993, c. 659, Pt. A, §8, is further amended by adding at the end a new paragraph to read:

In addition to the other requirements of this section, a licensed social worker must provide documentation of 96 hours of consultation during the first 3,200

hours of social work employment in a period not less than 2 years but not more than 4 years.

See title page for effective date.

CHAPTER 317

H.P. 991 - L.D. 1328

An Act to Amend the Laws Governing Registers of Deeds

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

Sec. 1. 33 MRSA §752, sub-§4, as enacted by PL 1997, c. 503, §1, is amended to read:

4. Repeal. This section is repealed January 1, ~~2002~~ 2005.

See title page for effective date.

CHAPTER 318

H.P. 333 - L.D. 423

An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs

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

Whereas, the adult alcohol and drug treatment program, as established pursuant to the Maine Revised Statutes, Title 4, chapter 8, began accepting referrals for persons facing probation revocations on April 2, 2001, and is expected to be in full operation by July 1, 2001; and

Whereas, statutory changes to the Maine Bail Code are necessary to ensure the efficient and effective imposition of sanctions to drug court participants by the court; and

Whereas, adult drug treatment courts have proven to be effective at keeping drug-addicted offenders off drugs and at greatly reducing other crimes associated with drug abuse; and

Whereas, the State is facing significant criminal and health problems due to drug addiction; and

Whereas, the change to the Maine Bail Code needs to be effective prior to the adult and alcohol drug treatment program's commencing full operations on or about July 1, 2001; 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. 15 MRSA §1105 is enacted to read:

§1105. Alcohol and drug treatment program

As a condition of post-conviction release, the court may impose the condition of participation in an alcohol and drug treatment program for a period not to exceed 24 months pursuant to Title 4, chapter 8. If at any time the court finds probable cause that a defendant released with a condition of participation in an alcohol and drug treatment program has intentionally or knowingly violated any requirement of the defendant's participation in the alcohol or drug treatment program, the court may suspend the order of bail for a period of up to 7 days for any such violation. The defendant must be given an opportunity to personally address the court prior to the suspension of an order of bail under this section. A period of suspension of bail is a period of detention under Title 17-A, section 1253, subsection 2. This section does not restrict the ability of the court to take actions other than suspension of the order of bail for the violation of a condition of participation in an alcohol and drug treatment program or the ability of the court to entertain a motion to revoke bail under section 1098 and enter any dispositional order allowed under section 1099-A. If the court orders participation in a drug and alcohol treatment program under this section, upon sentencing the court shall consider whether there has been compliance with the program.

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

Effective May 30, 2001.

CHAPTER 319

H.P. 381 - L.D. 483

An Act to Revise the Sewer Lien Laws

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX,