

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

The commissioner shall propose, revise, adopt and enforce rules necessary to carry out this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 542

H.P. 1279 - L.D. 1757

### An Act To Clarify the Educational Requirements for Counselor Licensure

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

**Sec. 1. 32 MRSA §13857**, as amended by PL 1989, c. 895, §11 and affected by PL 1991, c. 263, §§5 and 6, is repealed and the following enacted in its place:

#### **§13857. Nonresidents; applicants licensed in another jurisdiction**

**1. Reciprocal agreements.** The Board of Counseling Professionals Licensure may enter into reciprocal agreements with other jurisdictions that have substantially similar licensure laws and accord substantially equal reciprocal rights to residents licensed in good standing in this State.

**2. Applicants licensed in another jurisdiction.** An applicant who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed under the laws of a jurisdiction that has a reciprocal agreement with the Board of Counseling Professionals Licensure may obtain a license under the terms and conditions as agreed upon through the reciprocal agreement.

B. An applicant who is licensed in good standing at the time of application to the board under the laws of a jurisdiction that has not entered into a reciprocal agreement with the Board of Counseling Professionals Licensure may qualify for licensure by submitting evidence to the board that the applicant has actively practiced with a substantially equivalent license for at least 5 consecutive years immediately preceding application to the board at the level of licensure applied for in this State.

C. An applicant who is licensed in good standing at the time of application to the board under the laws of a jurisdiction that has not entered into

a reciprocal agreement and who does not meet the requirements of paragraph B may qualify for licensure by submitting evidence satisfactory to the board that the applicant's qualifications for licensure are substantially similar to those requirements in this chapter.

D. All nonresident applicants shall submit with the application an irrevocable consent to service of process on the applicant for an action filed in a court of this State arising out of the applicant's activities as a licensee in this State. Service may be made by delivery of the process to the Director of the Office of Licensing and Registration within the department if, in the exercise of due diligence, a plaintiff can not effect personal service upon the applicant.

**Sec. 2. 32 MRSA §13858, sub-§§1, 2 and 3**, as enacted by PL 1989, c. 465, §3, are amended to read:

**1. Licensed professional counselor.** To be qualified as a licensed professional counselor, an applicant ~~shall have demonstrated~~ must demonstrate to the satisfaction of the board adherence to the ethics of the counseling profession, ~~shall have successfully completed~~ complete the examination prescribed by the board and ~~shall have received~~:

A. A master's degree or a doctoral degree in counseling or an allied mental health field from an accredited institution or a program approved by the board. Such schooling ~~shall have included~~ must include a minimum core curriculum and total credit hours as adopted by the board; and

B. Two years of experience after obtainment of a master's degree or a doctoral degree with a minimum of 2,000 hours of supervised experience.

**2. Licensed clinical professional counselor.** To be qualified as a licensed clinical professional counselor, an applicant ~~shall have demonstrated~~ must demonstrate to the satisfaction of the board adherence to the ethics of the counseling profession, ~~shall have successfully completed~~ complete the examination prescribed by the board and ~~shall have received~~:

A. A master's degree or a doctoral degree in counseling or an allied mental health field from an accredited institution or a program approved by the board. Such schooling ~~shall~~ must include a minimum core curriculum; and total credit hours as adopted by the board, ~~of at least 45 semester hours~~; and

B. Two years of experience after obtainment of a master's degree; or a doctoral degree to include at least 3,000 hours of supervised clinical experi-

ence with a minimum of 100 hours of personal supervision.

### 3. Licensed marriage and family therapist.

To be qualified as a licensed marriage and family therapist, an applicant ~~shall have demonstrated~~ must demonstrate to the satisfaction of the board adherence to the ethics of the counseling profession, ~~shall have~~ successfully completed ~~complete~~ the examination prescribed by the board and ~~shall have received~~:

A. A master's degree or a doctoral degree in marriage and family therapy or its equivalent from an accredited institution or a program approved by the board. Such schooling ~~shall have included~~ must include a minimum core curriculum to include a one-year clinical practicum and total credit hours adopted by the board; and

B. Two years of experience after obtainment of a master's degree or a doctoral degree comprised of at least 1,000 hours of direct clinical contact with couples and families and 200 hours of supervision, at least 100 of which ~~shall~~ must be in individual supervision.

**Sec. 3. 32 MRSA §13858, sub-§3-A, ¶B**, as amended by PL 1991, c. 263, §3, is further amended to read:

B. Received a Master of Divinity degree or a Doctor of Divinity degree, or an equivalent degree approved by the board, from an accredited institution or a 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-§8** is enacted to read:

**8. Rulemaking.** The board shall adopt rules to implement the provisions of subsections 1, 2 and 3 and subsection 3-A, paragraph B. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 32 MRSA §13865** is enacted to read:

#### **§13865. Service of process; filing requirement**

Licenses who maintain licensure in this State and establish legal residency in another jurisdiction shall submit to the Board of Counseling Professionals Licensure within 30 days of residency in another jurisdiction an irrevocable consent to service of process on the licensee for an action filed in a court of this State arising out of the licensee's activities as a licensee in this State. Service may be made by delivery of the process to the Director of the Office of

Licensing and Registration within the Department of Professional and Financial Regulation if, in the exercise of due diligence, a plaintiff can not effect personal service upon the licensee.

See title page for effective date.

## CHAPTER 543

### S.P. 602 - L.D. 1638

#### **An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments**

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

**Whereas**, current Maine law prohibits automobile dealers from offering consumers a motor vehicle loan involving a final balloon payment unless the term of the loan is for a minimum period of 4 years; and

**Whereas**, this statutory provision puts Maine automobile dealers at a competitive disadvantage and limits the financing options that dealers can make available to consumers; and

**Whereas**, this legislation would allow Maine automobile dealers to offer financing options with balloon payments for terms of less than 4 years if the contract contains adequate protections for Maine consumers, including the right to return the vehicle in lieu of the final payment; 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. 9-A MRSA §3-308, sub-§4**, as amended by PL 1997, c. 94, §2, is further amended to read:

**4.** A schedule of payments may require a final payment not substantially equal to all other periodic payments if the transaction is made for a term of not less than 4 years and if the contract evidencing the consumer credit transaction gives the consumer the right to refinance the amount of the final payment in order to fully amortize the obligation on terms then generally offered by the creditor, if the consumer satisfies reasonable credit standards and if the property satisfies reasonable ~~loan-to-value~~ loan-to-value