

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

---

---

**Augusta, Maine**  
**2011**

families in locations as close as reasonably possible to the home communities of the youths.

1. Definitions. As used in this section, unless this context otherwise indicates, the following terms have the following meanings.

A. "Emergency shelter family home" means a home that provides community-based emergency shelter with an individual or a family that is operated 24 hours a day under the auspices of an emergency shelter licensed by the department in accordance with rules adopted by the department under sections 7801 and 8102.

B. "Youth" means a child 12 to 20 years of age.

2. Placement. A licensed emergency shelter may place in an emergency shelter family home operated by the shelter a youth who was referred to the shelter by the Department of Corrections if the shelter has obtained the agreement of the parent or legal guardian of the youth.

3. Requirements. A licensed emergency shelter that operates an emergency shelter family home must be licensed as a child placing agency by the department under rules adopted pursuant to sections 7801 and 8202 and must operate the home under a contract with the Department of Corrections and in accordance with an agreement between the department and the Department of Corrections. An emergency shelter family home may be, but is not required to be, licensed as a children's home by the department under rules adopted pursuant to sections 7801 and 8202.

See title page for effective date.

**CHAPTER 386**

**S.P. 327 - L.D. 1094**

**An Act To Improve the Delivery of School Psychological Services to Children**

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

**Sec. 1.** 5 MRSA §12004-I, sub-§12-A, as enacted by PL 1993, c. 207, §2, is amended to read:

**12-A.**

Education	Advisory Committee on School Psychological Service Providers Psychologists	20-A MRSA §13022
-----------	---	---------------------

**Sec. 2.** 20-A MRSA §13022, as enacted by PL 1993, c. 207, §3, is amended to read:

**§13022. School psychologists**

1. Definitions. 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 unless the context otherwise indicates, the following terms have the following meanings.

A. "School psychologist" means a professional certified by the department as a school psychologist who provides school psychological services consistent with the national standards articulated by the most current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists. "School psychologist" includes a school psychologist - doctoral and a school psychologist - specialist.

B. "School psychologist - doctoral" means a professional who meets the qualifications established in subsection 3 and holds a doctoral degree in psychology or a related field as determined by the advisory committee established in subsection 7.

C. "School psychologist - specialist" means a professional who meets the qualifications established in subsection 3 and holds a master's degree or specialist-level degree.

1-A. Scope of services. A school psychologist delivers services to children from birth to grade 12 who are eligible to be enrolled in educational and intermediate educational units, special education programs and approved private schools. The services delivered are the services articulated under the domains of practice in the current Model for Comprehensive and Integrated School Psychological Services developed and published by the National Association of School Psychologists.

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 certified school psychologists that follow national standards set forth by the National Association of School Psychologists or a successor organization and ethics standards set forth by the National Association of School Psychologists or a successor organization and the American Psychological Association or a successor organization, 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 psychologist certificate must require that a certificate be issued only to an applicant who has met the academic and preprofessional requirements estab-

lished 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~~ psychologist 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~~ psychologist. The school ~~psychological service provider~~ psychologist certificate may be renewed in accordance with academic and professional requirements established by the state board. A certificate holder must be supervised for the first year following initial certification at no additional cost to the school administrative unit or the department. The state board shall require evidence of supervision prior to renewing a first-year certificate. Supervision of the first-year school psychologist must be in accordance with supervision standards established by the National Association of School Psychologists or a successor organization and provided by a person who is certified as a school psychologist under subsection 2 and is:

- A. A member of the Maine Association of School Psychology or a successor organization; or
- B. Employed by or under contract with a school administrative unit.

**5. Exclusive regulatory authority.** The provisions of Title 32, chapter 56 do not apply to persons certified as school ~~psychological service providers~~ psychologists under this section except to the extent that ~~such~~ the 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~~ psychologists or may use any business name incorporating variations of that title but may not hold them-

~~self out as psychologists, psychological examiners or any business name incorporating variations of those titles~~ psychologists but must include the word "school" in the designation, or as nationally certified school psychologists if they hold the credentials as designated by the National Association of School Psychologists or a successor organization. Persons certified under this section may not hold themselves out as psychologists, psychological examiners or any business name incorporating variations of those titles other than school psychologists or nationally certified school psychologists 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~~ Psychologists, 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~~ psychologists; and
- (2) To assist the commissioner in:
  - (i) Certifying school ~~psychological service providers~~ psychologists;
  - (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~~ psychologists.

B. The committee consists of 9 members appointed by the commissioner. The membership consists of 2 certified ~~psychological service providers~~ school psychologists, 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~~ psychological service providers and school psychological examiners on ~~the effective date of this section~~ or after October 13, 1993 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~~ psychological service providers a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.

**Sec. 3. Stakeholders group to convene; report to the Joint Standing Committee on Education and Cultural Affairs.** The chair of the Advisory Committee on School Psychologists, established in the Maine Revised Statutes, Title 5, section 12004-I and referred to in this section as "the advisory committee," shall invite members of the Maine Psychological Association, the Maine Association of School Psychology and other interested stakeholders to meet with members of the advisory committee to discuss the ongoing responsibilities and effectiveness of the advisory committee. The stakeholders' discussion must include, but is not limited to, issues related to certification of school psychologists and disciplinary actions. The stakeholder group shall submit its report to the Commissioner of Education who shall report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2012 with recommendations and shall include any legislation needed to implement the recommendations with the report. The committee may report out legislation in the Second Regular Session of the 125th Legislature based on the work of the stakeholders group.

See title page for effective date.

---

---

**CHAPTER 387**

**H.P. 1095 - L.D. 1490**

**An Act To Amend the Laws  
Regarding Custody of the  
Remains of Deceased Persons**

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

**Sec. 1. 22 MRSA §2843-A, sub-§2,** as amended by PL 2009, c. 601, §29, is further amended to read:

**2. Custody and control generally.** The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions: in the following order of priority:

A. If the subject has designated a another person to have custody and control in a written and signed document, custody and control belong to that designated person;

B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and

C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin can not, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

**Sec. 2. 22 MRSA §2843-A, sub-§8,** as enacted by PL 1993, c. 609, §1, is amended to read:

**8. Immunity.** A party who, in good faith, acts upon the instructions of the party having custody and control is not liable for having carried out those instructions, may not be held civilly or criminally liable and is not subject to disciplinary action for acting in accordance with those instructions.