

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

§6207-B. Confidential information

The nonbusiness address of a person licensed or certified under this chapter is confidential, not open to the public and not a public record as defined in Title 1, section 402, subsection 3.

Sec. 3. 32 MRSA §6214-D, sub-§1, ¶D, as enacted by PL 2003, c. 347, §16 and affected by §25, is amended to read:

D. Meet one of the following educational requirements:

(1) ~~A high school diploma or its equivalent, course work as defined by board rule and a minimum of 6,000 hours of documented supervised practice in alcohol and drug counseling or Complete 2,000 hours if the applicant holds a valid of documented supervised practice in alcohol and drug counseling as a certified alcohol and drug counselor certification;~~

(2) ~~An Possess an associate or bachelor's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, course work as defined by board rule and complete a minimum of 4,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a bachelor's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 18 credit hours of course work in addiction counseling need only complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling; or~~

(3) ~~A Possess a master's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, course work as defined by board rule and a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a master's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 12 credit hours of course work in addiction counseling need only complete a minimum of 1,500 hours of documented supervised practice in alcohol and drug counseling.~~

Sec. 4. State Board of Alcohol and Drug Counselors to amend rules. No later than January 1, 2018, the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors shall amend its rules regarding continuing pro-

fessional education for alcohol and drug counselors as follows.

1. Reduce the hours for continuing professional education for certified alcohol and drug counselors from 24 contact hours every 2 years to 18 contact hours every 2 years.

2. Reduce the hours for continuing professional education for licensed alcohol and drug counselors from 36 contact hours every 2 years to 25 contact hours every 2 years.

3. Reduce the hours for continuing professional education for licensed alcohol and drug counselors who are also certified clinical supervisors from a total of 48 contact hours every 2 years to a total of 37 contact hours every 2 years.

4. Increase the maximum hours allowed for distance learning as a permissible continuing education activity from 10 hours to 20 hours.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 266

H.P. 1083 - L.D. 1572

An Act To Implement Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Legislative Reviews of Tax Expenditures

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

Sec. 1. 3 MRSA §998, sub-§2, as enacted by PL 2015, c. 344, §4, is amended to read:

2. Schedule. ~~By October 1, 2015, the~~ The committee, in consultation with the policy committee, shall establish a prioritized schedule of ongoing review of the tax expenditures assigned to the full evaluation and expedited review categories pursuant to subsection 1, paragraphs A and B. To the extent practicable, the committee shall schedule group the review of tax expenditures with similar goals ~~during the same year together.~~

Sec. 2. 3 MRSA §999, sub-§1, ¶A, as enacted by PL 2015, c. 344, §4, is amended to read:

A. ~~By January 31st of each year~~ Prior to the beginning of each evaluation, the committee, after consideration of recommendations from the of-

office, shall approve the following for each tax expenditure subject to full evaluation ~~review in that year~~:

- (1) The purposes, intent or goals of the tax expenditure, as informed by original legislative intent as well as subsequent legislative and policy developments and changes in the state economy and fiscal condition;
- (2) The intended beneficiaries of the tax expenditure;
- (3) The evaluation objectives, which may include an assessment of:
 - (a) The fiscal impact of the tax expenditure, including past and estimated future impacts;
 - (b) The extent to which the design of the tax expenditure is effective in accomplishing the tax expenditure's purposes, intent or goals and consistent with best practices;
 - (c) The extent to which the tax expenditure is achieving its purposes, intent or goals, taking into consideration the economic context, market conditions and indirect benefits;
 - (d) The extent to which those actually benefiting from the tax expenditure are the intended beneficiaries;
 - (e) The extent to which it is likely that the desired behavior might have occurred without the tax expenditure, taking into consideration similar tax expenditures offered by other states;
 - (f) The extent to which the State's administration of the tax expenditure, including enforcement efforts, is efficient and effective;
 - (g) The extent to which there are other state or federal tax expenditures, direct expenditures or other programs that have similar purposes, intent or goals as the tax expenditure, and the extent to which such similar initiatives are coordinated, complementary or duplicative;
 - (h) The extent to which the tax expenditure is a cost-effective use of resources compared to other options for using the same resources or addressing the same purposes, intent or goals; and
 - (i) Any opportunities to improve the effectiveness of the tax expenditure in meeting its purposes, intent or goals; and

(4) The performance measures appropriate for analyzing the evaluation objectives. Performance measures must be clear and relevant to the specific tax expenditure and the approved evaluation objectives.

Sec. 3. 3 MRSA §999, sub-§§2 and 3, as enacted by PL 2015, c. 344, §4, are amended to read:

2. Action by office; report. ~~By December 31st of each year, beginning in 2016, the~~ The office shall complete the tax expenditure evaluations pursuant to subsection 1 scheduled for that year and submit a report on the results of each evaluation to the committee and the policy committee. The office shall seek stakeholder input as part of the report. For each tax expenditure evaluated, the report must include conclusions regarding the extent to which the tax expenditure is meeting its purposes, intent or goals and may include recommendations for continuation or repeal of the tax expenditure or modification of the tax expenditure to improve its performance.

3. Action by committee. The committee shall review the report submitted by the office under subsection 2, assess the report's objectivity and credibility and vote whether to endorse the report. ~~By June 1st of each year, beginning in 2017, the~~ The committee shall submit a record of the vote on ~~the report~~ any reports submitted by the office and any comments of or actions recommended by the committee to the policy committee for its review and consideration.

See title page for effective date.

CHAPTER 267

H.P. 639 - L.D. 911

An Act To Prohibit Certain Gifts to Health Care Practitioners

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

Sec. 1. 32 MRSA §13759 is enacted to read:

§13759. Gifts to practitioners prohibited

1. Prohibition. Except as provided in subsection 2, a manufacturer or wholesaler licensed under section 13758 or an agent of a manufacturer or wholesaler licensed under section 13758 may not offer or give the following to a practitioner:

A. A cash gift in any amount; or

B. A gift for which reciprocity is expected or implied.

2. Exceptions. A manufacturer or wholesaler licensed under section 13758 does not violate subsection 1 by engaging in the following activities: