

# 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-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

---

---

**Augusta, Maine**  
**2019**

the collection of mercury-added lamps in the State, including, but not limited to:

(a) The collection activity at each collection location;

(b) The estimated number of mercury-added lamps in the State still available for collection; and

(c) The total number of mercury-added lamps collected in the prior program years.

(3) Following completion of the development of the program reduction and termination process under this paragraph, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for implementing that process, including any proposed legislation. The report under this subparagraph may be included in the report required under section 1772, subsection 1. After reviewing the report the committee may report out a bill to implement the recommendations contained in the report or to otherwise facilitate a reduction and termination of the manufacturer recycling program required under this subsection.

See title page for effective date.

## CHAPTER 287

### H.P. 1227 - L.D. 1716

#### An Act To Update the Licensing Laws for Occupational Therapy Practice

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

**Sec. 1.** 32 MRSA §2271, as amended by PL 1997, c. 294, §1, is repealed.

**Sec. 2.** 32 MRSA §2272, sub-§4, as repealed and replaced by PL 1997, c. 294, §2, is amended to read:

**4. Certification examination.** "Certification examination" means the certification examination for a ~~registered~~ an occupational therapist or the certification examination for ~~certified~~ an occupational therapy assistant, both of which are administered by NBCOT.

**Sec. 3.** 32 MRSA §2272, sub-§5, as repealed and replaced by PL 1997, c. 294, §2, is repealed.

**Sec. 4.** 32 MRSA §2272, sub-§8, as repealed and replaced by PL 1997, c. 294, §2, is repealed.

**Sec. 5.** 32 MRSA §2272, sub-§8-A is enacted to read:

**8-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. 6.** 32 MRSA §2272, sub-§9, as enacted by PL 1997, c. 294, §2, is amended to read:

**9. Level II fieldwork.** "Level II fieldwork" means the experience required to prepare occupational therapy and ~~occupation~~ occupational therapy assistant students to carry out professional responsibilities under appropriate supervision and professional role modeling.

~~A minimum of 6 months, or 940 hours, of level II fieldwork is required for occupational therapy educational programs.~~

~~A minimum of 12 weeks, or 440 hours, of level II fieldwork is required for occupational therapy assistant educational programs.~~

**Sec. 7.** 32 MRSA §2272, sub-§12-A, as amended by PL 1999, c. 386, Pt. I, §1, is repealed.

**Sec. 8.** 32 MRSA §2272, sub-§§12-B and 12-C are enacted to read:

**12-B. Occupational therapy assistant.** "Occupational therapy assistant" means an individual who has passed the certification examination of the NBCOT for an occupational therapy assistant or who was certified as an occupational therapy assistant prior to June 1977 and who is licensed to practice occupational therapy under this chapter in the State under the supervision of a licensed occupational therapist.

**12-C. Occupational therapy practitioner.** "Occupational therapy practitioner" means an individual who is licensed as an occupational therapist or an occupational therapy assistant.

**Sec. 9.** 32 MRSA §2272, sub-§14, as enacted by PL 1997, c. 294, §2, is amended to read:

**14. Supervision of OTA.** "Supervision of ~~COTA~~ OTA" means initial directions and periodic inspection of the service delivery and provision of relevant in-service training. The supervising licensed occupational therapist shall determine the frequency and nature of the supervision to be provided based on the clients' required level of care and the ~~COTA's~~ OTA's caseload, experience and competency.

**Sec. 10.** 32 MRSA §2276, sub-§1-A, as amended by PL 1999, c. 386, Pt. I, §2, is further amended to read:

**1-A. License required.** A person may not practice, or profess to be authorized to practice occupational therapy, as an occupational therapist or ~~certified~~ occupational therapy assistant in this State or use the words "occupational therapist," "~~registered~~ licensed

occupational therapist," "occupational therapy assistant" or "~~certified licensed~~ occupational therapy assistant" or the letters "O.T.," "~~O.T.R.~~," "O.T.A.," "~~C.O.T.A.~~" or other words or letters to indicate that the person using the words or letters is a licensed occupational therapist or ~~certified licensed~~ occupational therapy assistant, or that may misrepresent to the public that the person has received formalized training in the field of occupational therapy, unless that person is licensed in accordance with this chapter.

This subsection is not intended to prohibit occupational therapy students and occupational therapy assistant students completing fieldwork from using the letters "O.T.S." and "O.T.A.S." respectively.

**Sec. 11. 32 MRSA §2279, sub-§1**, as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 12. 32 MRSA §2281**, as amended by PL 2013, c. 217, Pt. J, §3, is further amended to read:

**§2281. Waiver of requirements for licensure**

The board shall grant a license to any person who, prior to July 25, 1984, successfully completed an examination administered by the Psychological Corporation under contract with the American Occupational Therapy Certification Board if that person meets the requirements of section 2279, ~~subsections 1 and subsection 3~~.

**Sec. 13. 32 MRSA §2282**, as amended by PL 2007, c. 402, Pt. L, §7, is repealed.

**Sec. 14. 32 MRSA §2283, sub-§3**, as amended by PL 1991, c. 509, §17, is repealed.

**Sec. 15. 32 MRSA §2284, sub-§2**, as enacted by PL 1997, c. 294, §11, is repealed.

**Sec. 16. 32 MRSA §2285**, as repealed and replaced by PL 2007, c. 402, Pt. L, §10 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

**§2285. Fees**

~~The Director of the Office of Professional and Occupational Regulation within the department director~~ may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$120. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 17. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 32, in the chapter headnote, the words "occupational therapists" are amended to read "occupational therapy practice" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 288**  
**H.P. 1078 - L.D. 1476**

**An Act To Clarify Recounts in Municipal Elections**

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

**Sec. 1. 30-A MRSA §2531-B**, as amended by PL 2017, c. 191, §1, is repealed and the following enacted in its place:

**§2531-B. Recount of an election for office**

This section governs all recounts in any election for municipal office.

**4. Recount request and procedure.** A candidate, including a write-in candidate, other than the declared winner in an election may apply to the municipal clerk in writing for a recount. Written recount requests must be received by the clerk within 5 business days after the day of the contested election or within 5 business days after an inspection pursuant to section 2530-A in order to be valid.

**5. Public proceeding.** A recount is a public proceeding open to public attendance, subject to reasonable restrictions necessary to protect recount integrity or resulting from space limitations.

**6. Recount security.** The municipal clerk shall maintain control over the ballots and other recount materials. No recount personnel other than the clerk may have access to the areas where ballots are stored unless accompanied by the clerk or the clerk's designee. A person who causes a disruption of the recount process may be removed from the area at the discretion of the clerk.

**7. Amount of deposit.** A candidate requesting a recount shall pay a deposit to the municipal clerk when the recount is requested in an amount determined by the municipal clerk, which must be at least 50% of the reasonable estimate of the cost to the municipality performing the recount.

**8. Deposit not required.** Notwithstanding subsection 7, a deposit is not required for a recount if the percentage difference of the total votes of the official tabulation is equal to or less than:

A. Two and one-half percent, if the combined vote for the candidates is 1,000 or less;

B. Two percent, if the combined vote for the candidates is 1,001 to 5,000; or

C. One and one-half percent, if the combined vote for the candidates is 5,001 or over.

For purposes of this subsection, "percentage difference" means the difference between the percentage of the total votes for an office received by the candidate