

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

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**Augusta, Maine**  
**2021**

**CHAPTER 233  
H.P. 212 - L.D. 299**

**An Act To Address Licensure  
of Behavioral Health Practice  
in the State**

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

**Sec. 1. 32 MRSA §3814**, as amended by PL 2007, c. 402, Pt. Q, §3, is further amended to read:

**§3814. Penalties for unlicensed practice**

Persons who hold themselves out to the public as psychologists or psychological examiners or engage in psychological practice as defined in this chapter and do not then possess in full force valid licenses to practice as psychological examiners or psychologists under this chapter are subject to the provisions of Title 10, section 8003-C. A person who engages in the practice of a psychological examiner or psychologist without a license under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10.

**Sec. 2. 32 MRSA §7002**, as amended by PL 2007, c. 402, Pt. V, §2, is further amended to read:

**§7002. Unlicensed practice**

Notwithstanding Title 17-A, section 4-A, any person who makes a representation to the public or uses the title of social worker, unless licensed by the board, as a licensed clinical social worker, licensed master social worker, certified social worker or a licensed social worker is subject to the provisions of Title 10, section 8003-C. Any person performing the functions of a social worker as a part of a profession or occupation or in a voluntary capacity is not subject to this section. A person who engages in the practice of a clinical social worker, master social worker or social worker without a license under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10.

**Sec. 3. 32 MRSA §13851, sub-§8-A** is enacted to read:

**8-A. Professional counseling.** "Professional counseling" means providing counseling services, marital and family therapy services and pastoral counseling services, including any procedures of counseling.

**Sec. 4. 32 MRSA §13854, sub-§1**, as amended by PL 2001, c. 421, Pt. B, §102 and affected by Pt. C, §1, is repealed and the following enacted in its place:

**1. Licensing.** A person may not, unless specifically exempted by this chapter, be engaged in the practice of professional counseling or profess to the public to be a, or assume or use the title or designation of, clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor, registered counselor or conditional license holder or

assume or use the abbreviation "LP," "CC," "MF," "PC" or "RC" or any other title, designation, words, letters or device tending to indicate that such a person is licensed or registered, unless that person is licensed or registered with and holds a current valid license or registration from the board.

**Sec. 5. 32 MRSA §13854, sub-§4** is enacted to read:

**4. Unfair trade practice.** A violation of subsection 1 is an unfair trade practice in violation of Title 5, chapter 10.

**Sec. 6. Effective date.** This Act takes effect July 1, 2022.

Effective July 1, 2022.

**CHAPTER 234  
H.P. 223 - L.D. 319**

**An Act To Promote Socially  
Responsible Investing by the  
Maine Public Employees  
Retirement System by  
Prohibiting Investment in For-  
profit Prisons**

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

**Sec. 1. 5 MRSA §138**, as amended by PL 2001, c. 44, §11 and affected by §14, is further amended by adding at the end a new paragraph to read:

The Treasurer of State shall review the extent to which the assets of any permanent funds held in trust by the State are invested in the stocks, securities or other obligations of any corporation or company or any subsidiary, affiliate or parent of any company that owns or operates prisons for profit. The Treasurer of State shall, in accordance with sound investment criteria and consistent with fiduciary obligations, divest any such holdings and may not invest any assets in any such stocks, securities or other obligations. Nothing in this section precludes de minimis exposure of any permanent funds held in trust by the State to the stocks, securities or other obligations of any corporation or company or any subsidiary, affiliate or parent of any company that owns or operates prisons for profit.

**Sec. 2. 5 MRSA §1957** is enacted to read:

**§1957. For-profit prisons**

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" has the same meaning as in section 17001, subsection 7.