

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
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 C, §1, is repealed and the following enacted in its place: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 MRS §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.