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No. 149

H.P. 105

House of Representatives, January 21, 2021

An Act To Facilitate Licensure for Credentialed Individuals from Other Jurisdictions

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Clerk of the House on January 19, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CLOUTIER of Lewiston.

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

2 **Sec. 1. 10 MRSA §8003, sub-§2-A, ¶M**, as enacted by PL 2017, c. 173, §2, is
3 amended to read:

4 M. To exercise discretionary authority, after consultation with the appropriate
5 licensing boards if applicable board, commission or personnel administering a
6 regulatory function of the office, to review and determine on a case-by-case basis
7 examination and licensing eligibility for applications for licensure submitted by
8 individuals who identify themselves as veterans with military service, experience and
9 training; ~~and~~

10 **Sec. 2. 10 MRSA §8003, sub-§2-A, ¶N**, as enacted by PL 2017, c. 173, §2, is
11 amended to read:

12 N. To exercise discretionary authority to waive examination fees and license fees for
13 applicants for licensure who identify themselves as veterans with military service,
14 experience and training;

15 **Sec. 3. 10 MRSA §8003, sub-§2-A, ¶O** is enacted to read:

16 O. To exercise discretionary authority, after consultation with the appropriate licensing
17 board, commission or personnel administering a regulatory function of the office, to
18 waive, on a case-by-case basis, documentation requirements for licensure submitted by
19 applicants for licensure educated in or with relevant experience or licensure in other
20 jurisdictions, including other states, United States territories, foreign nations and
21 foreign administrative divisions, as long as the waiver does not reduce the requisite
22 standards of proficiency for the licensed profession or occupation. The Director of the
23 Office of Professional and Occupational Regulation may adopt rules to implement this
24 paragraph. Rules adopted pursuant to this paragraph are routine technical rules
25 pursuant to Title 5, chapter 375, subchapter 2-A;

26 **Sec. 4. 10 MRSA §8003, sub-§2-A, ¶P** is enacted to read:

27 P. To exercise discretionary authority to waive examination fees and license fees set
28 pursuant to paragraph D for applicants for licensure educated in or with relevant
29 experience or licensure in other jurisdictions, including other states, United States
30 territories, foreign nations and foreign administrative divisions. The Director of the
31 Office of Professional and Occupational Regulation may adopt rules to implement this
32 paragraph. Rules adopted pursuant to this paragraph are routine technical rules
33 pursuant to Title 5, chapter 375, subchapter 2-A;

34 **Sec. 5. 10 MRSA §8003, sub-§2-A, ¶Q** is enacted to read:

35 Q. To adopt rules defining, as appropriate for licensing purposes, the term
36 "jurisdiction" to mean a state, a United States territory, a foreign nation or a foreign
37 administrative division that issues a license or credential. Rules adopted pursuant to
38 this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter
39 2-A; and

40 **Sec. 6. 10 MRSA §8003, sub-§2-A, ¶R** is enacted to read:

41 R. To accept funds from the Federal Government, from any political subdivision of
42 the State or from any individual, foundation or corporation and to expend those funds

1 for purposes consistent with this section. The Director of the Office of Professional
2 and Occupational Regulation may also provide grants to nongovernmental entities for
3 purposes consistent with this section.

4 **Sec. 7. 10 MRSA §8003, sub-§5-A, ¶D**, as amended by PL 2011, c. 286, Pt. B,
5 §2, is further amended by amending subparagraph (5) to read:

6 (5) Grant inactive status licenses to licensees in accordance with rules that may be
7 adopted by each office, board or commission. The fee for an inactive status license
8 may not exceed the statutory fee cap for license renewal set forth in the governing
9 law of the office, board or commission. Licensees in inactive status are required
10 to pay license renewal fees for renewal of an inactive status license and may be
11 required to pay a reinstatement fee as set by the Director of the Office of
12 Professional and Occupational Regulation if the license is reactivated on a date
13 other than the ordinary renewal date of the license. Any rules of an office, board
14 or commission regulating inactive status licensure must describe the obligations of
15 an inactive status licensee with respect to any ongoing continuing education
16 requirement in effect for licensees of the office, board or commission and must set
17 forth any requirements for reinstatement to active status, which requirements may
18 include continuing education. Rules adopted pursuant to this subparagraph are
19 routine technical rules as described in Title 5, chapter 375, subchapter 2-A; and

20 **Sec. 8. 10 MRSA §8003, sub-§5-A, ¶D**, as amended by PL 2011, c. 286, Pt. B,
21 §2, is further amended by amending subparagraph (6) to read:

22 (6) Delegate to staff the authority to review and approve applications for licensure
23 pursuant to procedures and criteria established by rule. Rules adopted pursuant to
24 this subparagraph are routine technical rules as described in Title 5, chapter 375,
25 subchapter 2-A; and

26 **Sec. 9. 10 MRSA §8003, sub-§5-A, ¶D**, as amended by PL 2011, c. 286, Pt. B,
27 §2, is further amended by enacting a new subparagraph (7) to read:

28 (7) Exercise discretionary authority to grant provisional licenses to applicants for
29 licensure educated in or with relevant experience or licensure in other jurisdictions,
30 including other states, United States territories, foreign nations and foreign
31 administrative divisions. For purposes of this subparagraph, "provisional license"
32 means a license issued for a defined period of time and with the requirement that
33 the licensee meet certain established conditions in order to maintain the provisional
34 license or to gain full licensure. The office, board or commission may adopt rules
35 to implement this subparagraph. Rules adopted pursuant to this subparagraph are
36 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

37 **Sec. 10. 10 MRSA §8003-H** is enacted to read:

38 **§8003-H. Licensure by endorsement**

39 The Office of Professional and Occupational Regulation, referred to in this section as
40 "the office," including the licensing boards and commissions within the office, shall
41 establish a process to issue a license by endorsement to an applicant who presents proof of
42 licensure by another jurisdiction of the United States as long as the other jurisdiction
43 maintains substantially equivalent license requirements for the licensed profession or
44 occupation and as long as:

1 1. Good standing. The applicant is in good standing in all jurisdictions in which the
2 applicant holds or has held a license. For purposes of this subsection, "good standing"
3 means that the applicant does not have a complaint, allegation or investigation pending,
4 does not have a license that is suspended or subject to practice restrictions and has never
5 surrendered a license or had a license revoked;

6 2. No cause for denial. No cause for denial of a license exists under section 8003,
7 subsection 5-A, paragraph A or under any other law; and

8 3. Fee. The applicant pays the fee, if any, pursuant to section 8003, subsection 2-A,
9 paragraph D.

10 The office, or a licensing board or commission within the office, may require an
11 applicant to pass a jurisprudence examination if such an examination is required to be
12 passed for licensure pursuant to law or rule of the office, licensing board or commission.

13 The office, including the licensing boards and commissions within the office, shall
14 adopt rules to implement this section. Rules adopted pursuant to this paragraph are routine
15 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

16 SUMMARY

17 This bill implements some of the recommendations of Resolve 2019, chapter 79
18 directing the Commissioner of Professional and Financial Regulation to form a working
19 group to assess barriers to professional licensure for skilled individuals with foreign
20 credentials and licensees of other states who apply for Maine licensure.

21 It allows the Director of the Office of Professional and Occupational Regulation within
22 the Department of Professional and Financial Regulation to exercise discretionary
23 authority, after consultation with licensing entities, to waive documentation requirements
24 for licensure submitted by applicants educated in or with relevant experience or licensure
25 in other jurisdictions, including other states, United States territories, foreign nations and
26 foreign administrative divisions, as long as the waiver does not reduce the requisite
27 standards of proficiency for the licensed profession or occupation. It allows the director to
28 exercise discretionary authority to waive examination fees and license fees for applicants
29 for licensure educated in or with relevant experience or licensure in other jurisdictions,
30 including other states, United States territories, foreign nations and foreign administrative
31 divisions. It also allows the office, or a licensing board or commission within the office,
32 to grant provisional licenses to applicants educated in or with relevant experience or
33 licensure in other jurisdictions, including other states, United States territories, foreign
34 nations and foreign administrative divisions. It provides the director with rule-making
35 authority to implement these discretionary authorities.

36 It provides the director with the authority to adopt rules to define the term "jurisdiction"
37 for licensing purposes to mean a state, a United States territory, a foreign nation or a foreign
38 administrative division that issues a license or credential.

39 It provides the director with the authority to accept funds from the Federal Government,
40 from any political subdivision of the State or from any individual, foundation or
41 corporation, to expend those funds for purposes consistent with the purposes of the Maine
42 Revised Statutes, Title 10, section 8003 and to provide grants to nongovernmental entities
43 for purposes consistent with that law.

1 It also develops a process for licensure by endorsement for United States license
2 holders who meet certain criteria.