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An Act To Amend Forester Licensing Requirements

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

Sec. 1. 32 MRSA §5514, sub-§3, ¶C, as amended by PL 2003, c. 364, §2, is further amended to read:

C. ~~The applicant shall submit 3 references from persons demonstrating the applicant's good character to work as an intern forester. One of the references must be from the individual~~provide the name of the person who is proposed to serve as the sponsor.

Sec. 2. 32 MRSA §5515, sub-§3, as enacted by PL 2001, c. 261, §4, is repealed and the following enacted in its place:

3. Internship. An applicant for a forester license shall complete an internship as follows.

A. An applicant with an associate degree or no degree shall demonstrate 48 months of forestry experience as an intern forester or as provided in this paragraph pursuant to rules adopted by the board. Notwithstanding the licensure requirements under this subchapter, an applicant with an associate degree may earn up to 12 months of forestry experience toward the 48-month requirement prior to the issuance of an intern forester license if:

(1) The forestry experience is obtained after the applicant has completed the first year of an associate degree program and prior to graduation from that program and is under the supervision of a forester registered with the board pursuant to subsection 10, paragraph B; or

(2) The applicant can demonstrate lawful prior professional forestry practice in another jurisdiction.

An applicant under this paragraph must complete the 48 months of experience within 6 calendar years prior to application.

B. An applicant with a bachelor's degree or higher shall demonstrate 24 months of forestry experience as an intern forester or as provided in this paragraph pursuant to rules adopted by the board. An applicant with a bachelor's degree or higher may earn up to 12 months of forestry experience toward the 24-month requirement prior to the issuance of an intern forester license if:

(1) The forestry experience is obtained after the applicant has completed the junior year of the bachelor's degree program and prior to graduation and is under the supervision of a forester registered with the board pursuant to subsection 10, paragraph B; or

(2) The applicant can demonstrate lawful prior professional forestry practice in another jurisdiction.

An applicant under this paragraph must complete the 24 months of experience within 6 calendar years prior to application.

Sec. 3. 32 MRSA §5515, sub-§§4 and 5, as enacted by PL 2001, c. 261, §4, are amended to read:

4. Recommendation. The applicant shall submit references from ~~3~~ foresters familiar with the applicant's forestry practice. ~~At least one of the references must be a~~ reference from the sponsor, unless the sponsor is unavailable as a reference through no fault of the applicant. An applicant exempted under subsection 5 shall submit ~~reference~~ a reference from ~~3a~~ forestry ~~professionals~~ professional familiar with the applicant's forestry practice.

5. Exemption to internship; professional practice in another jurisdiction. Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of lawful prior professional forestry practice in another jurisdiction within the 6-year period prior to application, ~~as long as the practice is determined by the board to be substantially equivalent to the successful completion of forestry internship under subsection 3~~ pursuant to rules adopted by the board.

Sec. 4. 32 MRSA §5515, sub-§5-A is enacted to read:

5-A. Exemption to internship; professional practice as a federal employee. Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of prior professional forestry practice as an employee of the Federal Government within the 6-year period prior to application pursuant to rules adopted by the board.

Sec. 5. 32 MRSA §5515, sub-§6, as amended by PL 2007, c. 402, Pt. T, §10, is further amended to read:

6. Examination. Each applicant for a forester license shall submit an application and examination fee as set under section 5507 and successfully pass an examination approved by the board designed to test an individual's knowledge to engage in the practice of forestry. Applicants must meet all other qualifications for licensure prior to taking the examination except that an applicant with a degree in forestry from a school or college approved by the board pursuant to rules adopted by the board may take the examination prior to meeting all of the qualifications for licensure.

Sec. 6. 32 MRSA §5516, sub-§1, as enacted by PL 2001, c. 261, §4, is repealed.

Sec. 7. 32 MRSA §5516, sub-§2, as enacted by PL 2001, c. 261, §4 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

2. Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction is governed by this subsection.

~~A. An applicant who is licensed under the laws of a jurisdiction that has a reciprocal agreement with the board may obtain a license upon the terms and conditions as agreed upon through the reciprocal agreement.~~

~~B. An applicant who is licensed in good standing under the laws of another jurisdiction that has not entered into a reciprocal agreement with the board may qualify for licensure by submitting evidence satisfactory to the board that the applicant has met all of the qualifications for licensure equivalent to those set forth by this subchapter for that level of licensure pursuant to rules adopted by the board, including, but not limited to, passing the examination as required by section 5515, subsection 6.~~

~~C. All nonresident license applicants shall submit with the application an irrevocable consent that service of process on the applicant for an action filed in a court of this State arising out of the applicant's activities as a forester in this State may be made by delivery of the process to the Director of the Office of Professional and Occupational Regulation if, in the exercise of due diligence, a plaintiff can not effect personal service upon the applicant.~~

Sec. 8. Transition. An applicant for a forester license pursuant to the Maine Revised Statutes, Title 32, chapter 76, subchapter 3 who possesses an intern forester license issued prior to the effective date of this Act is required to meet the qualifications for a forester license in effect at the time of the issuance of the intern forester license.

Sec. 9. Effective date. This Act takes effect June 1, 2015.

SUMMARY

This bill changes the laws governing the licensure of foresters to repeal the requirement for an applicant for an intern forester license or forester license to submit 3 references as part of the license application. The bill also makes several other changes, including allowing certain persons to engage in forestry before being licensed, allowing a holder of a forestry degree from an approved school to take the examination before meeting all qualifications for licensure, making changes in the forester licensing laws regarding reciprocal agreements and adding a new provision to permit the Board of Licensure of Foresters to waive the internship requirement for an applicant who has at least 24 months of forestry experience as an employee of the Federal Government within the 6-year period prior to application.