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STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
& FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Joan F. Cohen  
Commissioner

**TESTIMONY OF**  
**CATHERINE PENDERGAST, REGULATORY BOARD MANAGER**  
**OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATIONS**  
**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**IN OPPOSITION TO L.D. 1393**

**“An Act to Require Continuing Education for Licensed Architects”**

**Presented by Representative Roberts**

**BEFORE THE JOINT STANDING COMMITTEE ON LABOR**

**Public Hearing: April 8, 2025 at 1:00 p.m.**

Senator Tipping, Representative Roeder, and Members of the Committee, I am Catherine Pendergast, Regulatory Board Manager with the Office of Professional and Occupational Regulation (“OPOR”) for 5 professional licensing boards, including the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers (“Board”), and Director of the Real Estate Commission. On behalf of OPOR, I am here today to testify in opposition to LD 1393.

Maine has been at the forefront of efforts to *decrease* unnecessary regulation and barriers to licensure. The addition of any statutory licensing requirement, including mandatory continuing education, should be implemented to resolve a clearly identified public protection concern. We question the public protection purpose of adding a continuing education requirement on a licensing program that is not experiencing concerns impacting public protection. Disciplinary actions over the last decade do not indicate issues with the current licensing requirements.

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This Board receives very few complaints against licensees. The Board has received only 68 complaints in 10 years (January 1, 2014 - December 31, 2024). The vast majority of those complaints were issues unrelated to practice issues and were dismissed (e.g. 44 were administrative complaints for failure to report a conviction/discipline within 10 days). These complaints were dismissed with a letter of guidance indicating that the discipline or conviction was minor one - like failure of a licensee to notify the Maine board of their failure to complete the continuing education requirements of another jurisdiction leading to discipline in that other jurisdiction. Over that 10-year period the board disciplined only 7 Architect licensees. All of those disciplinary actions were for administrative issues and did not involve practice-related violations.

- Three licensees were disciplined for practicing after their license expiration date.
- Four were disciplined for failure to report a conviction or disciplinary action within 10 days as required by 10 MRS 8003-G.

In our experience, continuing education requirements themselves often become the basis of a disciplinary action for reasons not related to practice issues. For example, licensees don't understand that a certain number of their CE must be in person or must cover certain topics – even if those topics are unrelated to their areas of practice.

While CE is often used in licensing statutes as a means of attempting to assure professional competence, there are peer reviewed studies that both support and reject CE's effectiveness as a means of assuring on going competence. Furthermore, required CEs are often inflexible and not relevant to an individual's practice, listening - and perhaps multi-tasking while doing so - does not ensure comprehension or competency. Finally, we note that professional associations often support CE since providing programming, especially live programming, increases their membership and revenues.

It is unclear why this bill exempts "retired" licensed architects from the continuing education requirement. Maine does not have a status for "retired" architects. A licensee either holds (and renews) an active license which allows them to practice as an architect or allows their license to

expire. The proposed CE requirement would only be applicable to a licensee renewing their license.

Finally, this bill will place additional burdens on OPOR staff. The bill requires that Board staff annually approve continuing education courses, programs and activities. The additional work of reviewing and approving CE courses, auditing CE compliance, and overseeing administrative disciplinary actions will have a substantial impact on staff time and would likely require an additional staff member.

Thank you for your consideration of our concerns and I would be happy to answer questions now or at the worksession.