



Janet T. Mills
Governor

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



Joan F. Cohen
Commissioner

TESTIMONY OF
PENNY VAILLANCOURT, DEPUTY COMMISSIONER

IN SUPPORT OF L.D. 1905

“An Act Regarding the Authority of the Office of Professional and Occupational Regulation and the Licensing Boards and Commissions Within That Office to Pursue Complaints”

Sponsored by Senator Donna Bailey of York

**BEFORE THE JOINT STANDING COMMITTEE ON
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Public Hearing: May 13, 2025, 12:59 PM

Good afternoon, Senator Bailey, Representative Mathieson, and Members of the Committee. My name is Penny Vaillancourt and I am the Deputy Commissioner of the Department of Professional and Financial Regulation and I am here on behalf of the Office of Professional and Occupational Regulation (“OPOR”) testifying in support of LD 1905.

A version of this proposal was included in the Department’s 2023 GEA report. The bill would allow an OPOR licensing entity to delegate to staff the authority to determine a complaint does not allege any violation of licensing law or rule enforced by that licensing entity. A similar authority exists for the director of the Real Estate Commission. The director of the Real Estate Commission has statutory authority to review a complaint to determine whether the complaint describes a violation of law or rule that is within the authority of the commission to enforce. If the director determines that a complaint does not describe a violation of law or rule within the Commission’s authority, the director notifies the complainant. *See* 32 M.R.S. § 13069(6).

OPOR receives many complaints each year that are filed against an individual who happens to have a license, but the complaint does not involve any allegation of conduct that requires a license (*i.e.*, a dispute about use of commercial property against a health care licensee). There are also complaints submitted that contain allegations of a contractual dispute and the individual submitting the complaint is seeking restitution. Licensing boards do not have the authority to order relief like a civil court. Having the ability to determine a complaint does not allege any violation of a law or rule that is enforced by a licensing board would allow staff to better allocate their time and resources to those complaints requiring further investigation.

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As with all complaints, staff will continue to rely on the assistance of the advice and counsel of the Assistant Attorney General assigned to the licensing board or program in reviewing all complaints. Moreover, nothing would prevent staff from bringing a complaint to a board for its review and consideration. Instead, we are asking for this tool that will allow staff to maximize the resources of the agency and focus on complaints that allege conduct a licensing board has jurisdiction over, rather than spending time at a board meeting to review complaints that must be summarily dismissed.

Thank you for your time and I would be happy to answer any questions now or at the work session.