CHAPTER 76

FORESTER LICENSING

SUBCHAPTER 1

GENERAL PROVISIONS

§5501. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2001, c. 261, §4 (NEW).]

1. Board. "Board" means the Board of Licensure of Foresters.
[PL 2001, c. 261, §4 (NEW).]

2. Department. "Department" means the Department of Professional and Financial Regulation.
[PL 2001, c. 261, §4 (NEW).]

3. Forester. "Forester" means a person licensed under this chapter to practice forestry.
[PL 2001, c. 261, §4 (NEW).]

4. Forestry. "Forestry" means services relating to forestry requiring the application of forestry principles and techniques. The services include, but are not limited to, investigations, consultations, timber inventory, development of forest management plans, responsible supervision of forest management, forest utilization, appraisal of severed or unsevered timber, forest economics or other forestry activities as carried out in connection with any public or private lands. "Forestry" does not include services for the physical implementation of cutting, hauling, handling or processing of forest products or for the physical implementation of timber stand improvements or other silvicultural activities or measuring or scaling activities performed by persons licensed under Title 10, section 2365-A.
[PL 2001, c. 261, §4 (NEW).]

5. Intern forester. "Intern forester" means a person licensed under this chapter to practice forestry under the sponsorship of a forester.
[PL 2001, c. 261, §4 (NEW).]

6. Person. "Person" means an individual.
[PL 2001, c. 261, §4 (NEW).]

7. Sponsor. "Sponsor" means a forester who is responsible for overseeing the activities of an intern forester.
[PL 2001, c. 261, §4 (NEW).]

8. Supervisor. "Supervisor" means a forester who is responsible for the activities of an unlicensed person providing services under the direction of the forester.
[PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW).

§5502. License required

Except as provided in section 5503, it is unlawful for a person to practice forestry or advertise or offer to practice forestry without a license issued under this chapter. [PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW).

§5503. Exemptions to licensing

A license is not required for forestry activities conducted by: [PL 2001, c. 261, §4 (NEW).]

1. Forestry instructional and educational institutions. A forestry instructional and educational institution approved by the Commissioner of Education pursuant to the laws of the State or a program of education at an institution licensed or approved by the State to grant a bachelor's or higher degree;
[PL 2001, c. 261, §4 (NEW).]

2. Federal Government employee. Federal Government employees conducting forestry practices within the scope of their employment;
[PL 2001, c. 261, §4 (NEW).]

3. Person registered and practicing forestry. A person registered and practicing forestry under the supervision of a forester as set forth by section 5515, subsection 10, paragraph B; or
[PL 2007, c. 402, Pt. T, §1 (AMD).]

4. Owner. An owner managing or otherwise conducting forestry practices on that owner's land.
[PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §1 (AMD).

§5504. Penalties; injunction

1. Unlicensed practice. A person who violates section 5502 is subject to the provisions of Title 10, section 8003-C.
[PL 2001, c. 261, §4 (NEW).]

2. Endorsement. It is a Class E crime for a forester or intern forester to endorse any plan, map or report other than a forest management and harvest plan as defined in Title 36, section 573, subsection 3-A, unless that forester or intern forester prepared or was in charge of the preparation of the map, plan or report.
[PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW).

SUBCHAPTER 2

BOARD OF LICENSURE OF FORESTERS

§5505. Board; organization

1. Establishment; purpose. The Board of Licensure of Foresters, as established within the department pursuant to Title 5, section 12004-A, subsection 17, administers the provisions of this chapter to protect the public by improving the standards relative to the practice of forestry, to protect the public from unqualified practitioners and to help ensure the proper management of the forest resources of the State.
[PL 2001, c. 261, §4 (NEW).]

2. Members. The board consists of 6 members appointed by the Governor. Each member must be a resident of this State. The board consists of:

A. One public member as defined in Title 5, section 12004-A; and [PL 2007, c. 402, Pt. T, §2 (AMD).]

B. Five foresters who hold valid licenses. [PL 2001, c. 261, §4 (NEW).]
[PL 2007, c. 402, Pt. T, §2 (AMD).]

3. Terms; removal. Terms of the members of the board are for 3 years. Appointments of members must comply with Title 10, section 8009. Members may be removed by the Governor for cause.
[PL 2007, c. 402, Pt. T, §2 (AMD).]

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.
[PL 2013, c. 246, Pt. B, §15 (AMD).]

5. Election of officers.
[PL 2007, c. 402, Pt. T, §2 (RP).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §2 (AMD). PL 2013, c. 246, Pt. B, §15 (AMD).

§5506. Rules

The board may establish guidelines and rules by which this chapter is administered. Except where otherwise indicated, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 2001, c. 261, §4 (NEW).]

1. Education. The board may adopt rules to be applied in determining whether educational programs meet the license qualifications under this chapter.
[PL 2001, c. 261, §4 (NEW).]

2. License qualifications. The board may adopt rules relating to the qualifications of an applicant for a license authorized under this chapter that ensure that an applicant is sufficiently trustworthy and competent to practice forestry.
[PL 2001, c. 261, §4 (NEW).]

3. Standards of practice. The board may adopt rules consistent with the standards set forth in this chapter governing the practice of forestry in order to establish standards of practice that serve the public interest. The board may not adopt rules that govern forestry practices.
[PL 2001, c. 261, §4 (NEW).]

4. Other. The board may adopt and enforce other rules that are necessary for the performance of its duties under this chapter.
[PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW).

§5507. Fees

The Director of the Office of Professional and Occupational Regulation, pursuant to Title 10, section 8003, subsection 2-A, paragraph D, may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for a purpose may not exceed $100 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [RR 2011, c. 2, §35 (COR).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). RR 2011, c. 2, §35 (COR). PL 2011, c. 286, Pt. B, §5 (REV).

§5508. Duties and powers

The board shall administer and enforce this chapter and evaluate the qualifications of applicants for licensure. [PL 2007, c. 402, Pt. T, §3 (RPR).]

1. Consent agreements.
[PL 2007, c. 402, Pt. T, §3 (RP).]

2. Denial of license.
[PL 2007, c. 402, Pt. T, §3 (RP).]

3. Hearings.
[PL 2007, c. 402, Pt. T, §3 (RP).]

4. Investigation.
[PL 2007, c. 402, Pt. T, §3 (RP).]

5. License qualification.
[PL 2007, c. 402, Pt. T, §3 (RP).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §3 (RPR).

§5509. Grounds for disciplinary action

(REPEALED)

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §4 (RP).

§5509-A. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. T, §5 (NEW).]

1. Aiding or abetting. Aiding or abetting a person in conduct that constitutes a violation of this chapter;
[PL 2007, c. 402, Pt. T, §5 (NEW).]

2. Lack of trustworthiness. A lack of trustworthiness and competence on the part of the applicant or licensee to conduct forestry practices in a manner that safeguards the interests of the public;
[PL 2007, c. 402, Pt. T, §5 (NEW).]

3. Suspension or revocation of license. Suspension or revocation of a professional or occupational license for disciplinary reasons or rejection of an application for reasons related to untrustworthiness within 3 years prior to the date of application; or
[PL 2007, c. 402, Pt. T, §5 (NEW).]

4. Failure to meet professional qualifications; failure to submit complete application. Failure to meet the professional qualifications for licensure as provided in this subchapter or failure to submit a complete application within 30 days after being notified of the materials needed to complete the application.
[PL 2007, c. 402, Pt. T, §5 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. T, §5 (NEW).

SUBCHAPTER 3

LICENSING QUALIFICATIONS

§5510. General qualifications

1. Application. The applicant shall submit an application together with the fee as set under section 5507.
[PL 2007, c. 402, Pt. T, §6 (AMD).]

2. Criminal history information.
[PL 2007, c. 402, Pt. T, §6 (RP).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §6 (AMD).

§5511. License limited to persons

A license issued under this subchapter may only be issued to a person, and licensure must be determined based on individual and personal qualifications. A firm, company, partnership, limited liability company or corporation may not be licensed under this chapter. [PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW).

§5512. Changes

(REPEALED)

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §7 (RP).

§5513. Denial of license

(REPEALED)

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2007, c. 402, Pt. T, §8 (RP).

§5514. Intern forester

1. Scope of practice. An intern forester license entitles the holder to perform forestry practices under the sponsorship of a forester.
[PL 2001, c. 261, §4 (NEW).]

2. Professional qualifications. Each applicant for an intern forester license shall submit evidence of an associate's degree or a bachelor's degree from a curriculum in forestry or of graduation from a postgraduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the board. The board may grant a variance to an applicant who does not hold a degree pursuant to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 364, §1 (AMD).]

3. Filing with board. The requirements for licensure as an intern forester are as follows.

A. The internship may not commence until after the applicant has met the professional qualification requirements of subsection 2. [PL 2001, c. 261, §4 (NEW).]

B. Applicants shall apply to and be approved by the board for internship prior to beginning their internship. [PL 2001, c. 261, §4 (NEW).]

C. The applicant shall provide the name of the person who is proposed to serve as the sponsor.
[PL 2013, c. 527, §1 (AMD); PL 2013, c. 527, §9 (AFF).]
[PL 2013, c. 527, §1 (AMD); PL 2013, c. 527, §9 (AFF).]

4. Continuing education required. As a prerequisite to renewal of an intern forester license, the applicant must complete continuing education as set forth by rules adopted by the board.
[PL 2001, c. 261, §4 (NEW).]

5. Renewal. Licenses expire annually on December 31st or on a date the commissioner determines. The board shall issue a renewal license, subject to the limitations set forth in subsection 6, upon receipt of the written request for renewal, the renewal fee as set under section 5507 and evidence of satisfactory completion of continuing education as set forth in subsection 4. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee as set under section 5507 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license has expired is required to pay an additional late fee as set under section 5507 in addition to the 90-day late fee and renewal fee.
[PL 2007, c. 402, Pt. T, §9 (AMD).]

6. Limited license term. Intern forester licenses may only be renewed for 5 annual terms. If after the 5th annual renewal term the intern forester has not qualified for licensure as a forester, the intern forester may reapply to recommence the internship process, but may not receive any credit towards completion of the new internship for work performed during the prior internship.
[PL 2001, c. 261, §4 (NEW).]

7. Endorsement of documents. Plans, maps and reports issued by the intern forester must be endorsed with the intern forester's name and license number during the life of the intern forester's license. By endorsing a document, the intern forester is representing that the document has been reviewed by the sponsor.
[PL 2001, c. 261, §4 (NEW).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2003, c. 364, §§1-3 (AMD). PL 2007, c. 402, Pt. T, §9 (AMD). PL 2013, c. 527, §1 (AMD). PL 2013, c. 527, §9 (AFF).

§5515. Forester

1. Scope of practice. A forester license entitles the holder to engage in the practice of forestry.
[PL 2001, c. 261, §4 (NEW).]

2. Professional qualification. The applicant must demonstrate compliance with the professional qualifications as set forth in section 5514, subsection 2.
[PL 2001, c. 261, §4 (NEW).]

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. [PL 2013, c. 527, §2 (RPR); PL 2013, c. 527, §9 (AFF).]

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. [PL 2013, c. 527, §2 (RPR); PL 2013, c. 527, §9 (AFF).]

[PL 2013, c. 527, §2 (RPR); PL 2013, c. 527, §9 (AFF).]

4. Recommendation. The applicant shall submit 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 a reference from a forestry professional familiar with the applicant's forestry practice.
[PL 2013, c. 527, §3 (AMD); PL 2013, c. 527, §9 (AFF).]

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 pursuant to rules adopted by the board.
[PL 2013, c. 527, §3 (AMD); PL 2013, c. 527, §9 (AFF).]

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.
[PL 2013, c. 527, §4 (NEW); PL 2013, c. 527, §9 (AFF).]

6. Examination. Each applicant for a forester license shall successfully pass an examination approved by the board designed to test an individual's knowledge to engage in the practice of forestry. An applicant with an associate degree or higher from a program that has a curriculum in forestry from a school or college approved by the board is required to pass only the examination section that tests the applicant's knowledge of the State's forestry laws, rules and practices. 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.
[PL 2015, c. 414, §2 (AMD).]

7. Continuing education required. As a prerequisite to renewal of a forester license, applicants must complete continuing education as set forth by rules adopted by the board.
[PL 2001, c. 261, §4 (NEW).]

8. Renewal. Licenses expire annually on December 31st or on a date the commissioner determines. The board shall issue a renewal license upon receipt of the written request for renewal, the renewal fee as set under section 5507 and evidence of satisfactory completion of continuing education as set forth in subsection 7. Licenses may be renewed up to 90 days after expiration upon payment of a late fee as set under section 5507 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing

new applicants under this chapter, except that the board may, in its discretion and giving due consideration to the protection of the public, waive examination and internship if the renewal application is within 2 years from the date of expiration for those applicants who demonstrate compliance with subsection 7 and upon payment of an additional late fee as set under section 5507 in addition to the 90-day late fee and renewal fee.
[PL 2007, c. 402, Pt. T, §11 (AMD).]

9. Endorsement of documents. Plans, maps and reports issued by the forester must be endorsed with the forester's name and license number during the life of the forester's license.
[PL 2001, c. 261, §4 (NEW).]

10. Sponsor; supervisor. A forester:

A. May act as a sponsor for an intern forester pursuant to the requirements of section 5514 and rules adopted by the board; and [PL 2001, c. 261, §4 (NEW).]

B. Must register with the board to supervise the activities of an unlicensed person pursuant to rules adopted by the board.

Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 364, §5 (AMD).]
[PL 2003, c. 364, §5 (AMD).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2003, c. 364, §§4, 5 (AMD). PL 2007, c. 402, Pt. T, §§ 10, 11 (AMD). PL 2013, c. 527, §§2-5 (AMD). PL 2013, c. 527, §9 (AFF). PL 2015, c. 414, §2 (AMD).

§5516. Nonresidents; applicants licensed in another jurisdiction; licensure by endorsement

1. Reciprocal agreements.
[PL 2013, c. 527, §6 (RP); PL 2013, c. 527, §9 (AFF).]

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

A. [PL 2013, c. 527, §7 (RP); PL 2013, c. 527, §9 (AFF).]

B. An applicant who is licensed in good standing under the laws of another jurisdiction may qualify for licensure pursuant to rules adopted by the board, including, but not limited to, passing the examination as required by section 5515, subsection 6. [PL 2013, c. 527, §7 (AMD); PL 2013, c. 527, §9 (AFF).]

C. [PL 2013, c. 527, §7 (RP); PL 2013, c. 527, §9 (AFF).]

D. Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this paragraph or any other licensure process authorized in this chapter. [PL 2021, c. 642, §27 (NEW).]
[PL 2021, c. 642, §27 (AMD).]

SECTION HISTORY

PL 2001, c. 261, §4 (NEW). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 527, §§6, 7 (AMD). PL 2013, c. 527, §9 (AFF). PL 2021, c. 642, §§26, 27 (AMD).

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