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DEPARTMENT OF PROFESSIONAL  
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Anne L. Head  
Commissioner

## TESTIMONY OF ANNE L. HEAD

Commissioner, Department of Professional and Financial Regulation

In Opposition to LD 612

*“An Act To Recognize Occupational Licenses and Certifications from Other States To Attract New Residents and Businesses to Maine (Emergency)”*

BEFORE THE JOINT STANDING COMMITTEE ON INNOVATION, DEVELOPMENT,  
ECONOMIC ADVANCEMENT AND BUSINESS

Sponsored by Representative John Andrews

Public Hearing March 16, 2021, 9:30 am

Senator Curry, Representative Roberts and Members of the Committee, my name is Anne Head. I serve as Commissioner of the Department of Professional and Financial Regulation (“DPFR”) and as Director of the Department’s Office of Professional and Occupational Regulation (“OPOR”). I’m here today to speak in opposition to LD 612, a bill that establishes a process for mandatory licensure of individuals licensed or certified in other states.

As Commissioner of DPFR and Director of OPOR, I am committed to efforts to grow Maine’s workforce and remove barriers to licensure. The mandatory one size fits all approach of LD 612, however, is not the right approach for Maine. I have submitted a Department bill, LD 149, available at this [link](#) which creates a process of “licensure by endorsement” for licensees of other states who apply for a Maine license. Licensure by endorsement is similar in concept but very different technically from LD 612’s mandatory approach. Licensure by endorsement describes a process by which an individual licensed in another state can become licensed in Maine.

LD 149 recognizes that the boards play an important role to ensure that licensees from other jurisdictions have license requirements that are substantially equivalent to Maine requirements. The bill requires OPOR boards and commissions to establish a process for licensure for endorsement and requires boards to undertake rulemaking – ensuring public input into the endorsement processes. Under LD 149, those out-of-state licensees whose licenses are substantially equivalent will be granted a Maine licenses so long as the applicant:

1. Is in good standing in all jurisdictions in which they hold or have held a license.

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2. Does not have a complaint, allegation or investigation pending,
3. Does not have a license that is suspended or subject to practice restrictions
4. Has never surrendered a license or had a license revoked;
5. Takes the Maine jurisprudence exam, if any; and
6. Pays the license fee which supports the Maine licensing and disciplinary program.

LD 612, on the other hand, would require OPOR boards and commissions to accept the licensing standards established by any other state without input from Maine boards and notwithstanding Maine law. Moreover, it would mandate that OPOR boards accept private certification and/or work experience in lieu of licensure in another jurisdiction, which is contrary to both the current licensing laws and the proposed Department bill providing for “licensure by endorsement.”

In addition to the Office of Professional and Occupational Regulation, most boards affiliated with the Department and agencies within the Department already have processes in place to quickly facilitate Maine licensure for out-of-state licensees while also allowing those licensing boards and regulatory agencies appropriate discretion to accomplish their important public protection roles. These agencies and boards have either submitted a letter or will testify today raise significant concerns about the impact of LD 612 on their agencies.

I respectfully encourage the Committee to allow Maine’s boards and regulatory agencies to exercise the discretion and authority they have been granted by the Maine Legislature to serve their purpose to protect the public and oppose this bill.

Thank you. I would be happy to respond to questions now or at the work session.