



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 149

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H.P. 105

House of Representatives, January 21, 2021

### **An Act To Facilitate Licensure for Credentialed Individuals from Other Jurisdictions**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Clerk of the House on January 19, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CLOUTIER of Lewiston.

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

2 **Sec. 1. 10 MRSA §8003, sub-§2-A, ¶M**, as enacted by PL 2017, c. 173, §2, is  
3 amended to read:

4 M. To exercise discretionary authority, after consultation with the appropriate  
5 licensing boards if applicable board, commission or personnel administering a  
6 regulatory function of the office, to review and determine on a case-by-case basis  
7 examination and licensing eligibility for applications for licensure submitted by  
8 individuals who identify themselves as veterans with military service, experience and  
9 training; ~~and~~

10 **Sec. 2. 10 MRSA §8003, sub-§2-A, ¶N**, as enacted by PL 2017, c. 173, §2, is  
11 amended to read:

12 N. To exercise discretionary authority to waive examination fees and license fees for  
13 applicants for licensure who identify themselves as veterans with military service,  
14 experience and training;

15 **Sec. 3. 10 MRSA §8003, sub-§2-A, ¶O** is enacted to read:

16 O. To exercise discretionary authority, after consultation with the appropriate licensing  
17 board, commission or personnel administering a regulatory function of the office,  
18 to waive, on a case-by-case basis for those encountering hardship through no fault of  
19 their own, documentation requirements for licensure submitted by applicants for  
20 licensure educated in or with relevant experience or licensure in other jurisdictions,  
21 including other states, United States territories, foreign nations and foreign  
22 administrative divisions, as long as the waiver does not reduce the requisite  
23 standards of proficiency for the licensed profession or occupation. The Director of  
24 the Office of Professional and Occupational Regulation may adopt rules to implement  
25 this paragraph. Rules adopted pursuant to this paragraph are routine technical  
26 rules pursuant to Title 5, chapter 375, subchapter 2-A;

27 **Sec. 4. 10 MRSA §8003, sub-§2-A, ¶P** is enacted to read:

28 ~~Pursuant to this paragraph, the Director of the Office of Professional and Occupational Regulation may adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.~~  
29 Pursuant to this paragraph, the Director of the Office of Professional and Occupational Regulation may adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.  
30 For those encountering hardships through no fault of their own and only after consultation with  
31 and approval from the licensing board, commission or personnel administering a  
32 regulatory function of the office. The Director of the Office of Professional and  
33 Occupational Regulation may adopt rules to implement this paragraph. Rules  
34 adopted pursuant to this paragraph are routine technical rules pursuant to Title 5,  
35 chapter 375, subchapter 2-A;

36 "jurisdiction" to mean a state, a United States territory, a foreign nation or a foreign  
37 administrative division that issues a license or credential. Rules adopted pursuant to

38 ~~This paragraph are routine technical rules appropriate for Title 5, chapter 375, subchapter 2-A; and~~  
39 This paragraph are routine technical rules appropriate for Title 5, chapter 375, subchapter 2-A; and

40 **Sec. 6. 10 MRSA §8003, sub-§2-A, ¶R** is enacted to read:

41 R. To accept funds from the Federal Government, from any political subdivision of  
42 the State or from any individual, foundation or corporation and to expend those funds

1 for purposes consistent with this section. The Director of the Office of Professional  
2 and Occupational Regulation may also provide grants to nongovernmental entities for  
3 purposes consistent with this section.

4 **Sec. 7. 10 MRSA §8003, sub-§5-A, ¶D**, as amended by PL 2011, c. 286, Pt. B,  
5 §2, is further amended by amending subparagraph (5) to read:

6 (5) Grant inactive status licenses to licensees in accordance with rules that may be  
7 adopted by each office, board or commission. The fee for an inactive status license  
8 may not exceed the statutory fee cap for license renewal set forth in the governing  
9 law of the office, board or commission. Licensees in inactive status are required  
10 to pay license renewal fees for renewal of an inactive status license and may be  
11 required to pay a reinstatement fee as set by the Director of the Office of  
12 Professional and Occupational Regulation if the license is reactivated on a date  
13 other than the ordinary renewal date of the license. Any rules of an office, board  
14 or commission regulating inactive status licensure must describe the obligations of  
15 an inactive status licensee with respect to any ongoing continuing education  
16 requirement in effect for licensees of the office, board or commission and must set  
17 forth any requirements for reinstatement to active status, which requirements may  
18 include continuing education. Rules adopted pursuant to this subparagraph are  
19 routine technical rules as described in Title 5, chapter 375, subchapter 2-A; and

20 **Sec. 8. 10 MRSA §8003, sub-§5-A, ¶D**, as amended by PL 2011, c. 286, Pt. B,  
21 §2, is further amended by amending subparagraph (6) to read:

22 (6) Delegate to staff the authority to review and approve applications for licensure  
23 pursuant to procedures and criteria established by rule **with the exception of**  
24 **licensing land surveyors**. Rules adopted pursuant to this subparagraph are routine  
25 technical rules as described in Title 5, chapter 375, subchapter 2-A; and

26 **Sec. 9. 10 MRSA §8003, sub-§5-A, ¶D**, as amended by PL 2011, c. 286, Pt. B,  
27 §2, is further amended by enacting a new subparagraph (7) to read:

28 (7) Exercise discretionary authority to grant provisional licenses to applicants for  
29 licensure educated in or with relevant experience or licensure in other jurisdictions,  
30 including other states, United States territories, foreign nations and  
31 foreign administrative divisions **only after consultation with and approval from**  
32 **the licensing board, commission or personnel administering a regulatory function**  
33 **of the office**. For purposes of this subparagraph, "provisional license" means a  
34 license issued for a defined period of time and with the requirement that the  
35 licensee meet certain established conditions in order to maintain the provisional  
36 license or to gain full licensure. The office, board or commission may adopt  
37 rules to implement this subparagraph. Rules adopted pursuant to this

~~Sec. 10. 10 MRSA §8003-II is enacted to read:~~  
38 **§8003-II. Licensure by endorsement**

39 The Office of Professional and Occupational Regulation, referred to in this section as  
40 "the office," including the licensing boards and commissions within the office, shall  
41 establish a process to issue a license by endorsement to an applicant who presents proof of  
42 licensure by another jurisdiction of the United States as long as the other jurisdiction  
43 maintains substantially equivalent license requirements for the licensed profession or  
44 occupation and as long as:

**1. Good standing.** The applicant is in good standing in all jurisdictions in which the applicant holds or has held a license. For purposes of this subsection, "good standing" means that the applicant does not have a complaint, allegation or investigation pending, does not have a license that is suspended or subject to practice restrictions and has never surrendered a license or had a license revoked;

**2. No cause for denial.** No cause for denial of a license exists under section 8003, subsection 5-A, paragraph A or under any other law; and

**3. Fee.** The applicant pays the fee, if any, pursuant to section 8003, subsection 2-A, paragraph D.

The office, or a licensing board or commission within the office, **must** require an applicant to pass a jurisprudence examination if such an examination is required to be passed for licensure pursuant to law or rule of the office, licensing board or commission.

The office, including the licensing boards and commissions within the office, shall adopt rules to implement this section. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill implements some of the recommendations of Resolve 2019, chapter 79 directing the Commissioner of Professional and Financial Regulation to form a working group to assess barriers to professional licensure for skilled individuals with foreign credentials and licensees of other states who apply for Maine licensure.

It allows the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to exercise discretionary authority, after consultation with licensing entities, to waive documentation requirements for licensure submitted by applicants educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions, as long as the waiver does not reduce the requisite standards of proficiency for the licensed profession or occupation. It allows the director to exercise discretionary authority to waive examination fees and license fees for applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions. It also allows the office, or a licensing board or commission within the office, to grant provisional licenses to applicants educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions. It provides the director with rule-making authority to implement these discretionary authorities.

It provides the director with the authority to adopt rules to define the term "jurisdiction" for licensing purposes to mean a state, a United States territory, a foreign nation or a foreign administrative division that issues a license or credential.

It provides the director with the authority to accept funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation, to expend those funds for purposes consistent with the purposes of the Maine Revised Statutes, Title 10, section 8003 and to provide grants to nongovernmental entities for purposes consistent with that law.

1           It also develops a process for licensure by endorsement for United States license  
2 holders who meet certain criteria.

Donald Dostie  
MSLS

I represent the Maine Society of Land Surveyors MSLS as their President and we are willing to support LD 149 with some revisions to the language. We submitted a letter to the Commissioner in opposition to the bill and provided a copy of the letter to Committee member Tavis Hasenfus as well. Our Legislative liaison, Dan Bernier, participated in a Zoom meeting with staff and I subsequently spoke with Karen Bivins to clarify our position. The attached pdf file shows in red our proposed revisions. Land Surveying is a unique profession requiring specialized knowledge of local histories and a familiarity with local boundary law. It requires examination to determine eligibility to apply for licensure and is a life long learning experience. We feel our Board must review all applications working with staff from the Department to be certain that:

- 1) the applicant is qualified to sit for examination
  - 2) Hardship is proven before making an exception of submitting materials such as transcripts due to lost records
  - 3) Fees will be paid with the exception of veterans and those who have proven hardship due to persecution, conflict or resulting from a natural disaster.
- Hardship needs to be codified/defined by statute or at minimum in consultation with our Board of Licensure.