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Committee Amendment to
LD 374

*An Act To Allow Veterans, Active Duty Service Members and Their Spouses To Apply for
Temporary Occupational Licenses and Certifications*

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 10 MRSA §8011 is amended to read:

§8011. Veterans and military spouses

By January 1, 2014, each board, commission, office and agency within the department listed in section 8001 or affiliated with the department under section 8001-A shall adopt a process to facilitate qualified ~~returning military veterans and qualified spouses of returning military veterans or of active duty service members to qualify for~~ persons to obtain professional licenses granted by those boards, commissions, offices and agencies in an expeditious manner. ~~For the purposes of this section, "returning military veteran" means a veteran of the Armed Forces of the United States who has been honorably discharged from active duty.~~ Notwithstanding any other provision of law, the Director of the Office of Professional and Occupational Regulation and each licensing board within or affiliated with the department shall, upon presentation of satisfactory evidence by ~~an applicant~~ a qualified person who applies for professional or occupational licensure, accept education, training or service completed by the ~~applicant~~ qualified person as a member of the Armed Forces of the United States or Reserves of the United States Armed Forces, the national guard of any state, the military reserves of any state or the naval militia of any state toward the qualifications to receive the license.

1. Endorsement. The board, commission, office or agency may permit a ~~returning military veteran or a spouse of a returning military veteran or of an active duty service member~~ qualified person who holds a comparable license in good standing in another state to acquire a license by endorsement in this State for the remainder of the term of the license from the other state or until a license is obtained in this State.

2. Temporary license. ~~The~~ A board, commission, office or agency, ~~other than those described in section 8001, subsection 38~~ may permit a ~~returning military veteran or a spouse of a returning military veteran or of an active duty service member~~ qualified person who

holds a comparable license in good standing in another state to obtain a temporary license in this State for a period of time necessary to obtain a license in this State.

Upon receipt of a completed application, a board, commission, office or agency described in section 8001, subsection 38 shall issue a temporary license to a qualified person if the person holds a current, valid occupational or professional license in good standing issued by a state or territory of the United States. The license issued by the state or territory may not be temporary, conditional, probationary or otherwise restricted and must be reasonably equivalent, as determined by the board, to the license sought. The applicant may obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in Maine so long as no cause for denial of a license exists under this section or under Title 10 MRSA Section 8003 subsection 5-A, paragraph A, or under any other law.

2-A. Application for temporary license. An applicant for a temporary license under this section shall submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that the applicant meets those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

2-B. Extensions. The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the Maine licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

3. Acceptance of military credentials. The board, commission, office or agency shall permit a ~~returning military~~ recently separated veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued.

4. Continuing education requirements. The board, commission, office or agency may allow a full or partial exemption from continuing education requirements for a ~~returning military veteran or the spouse of a returning military veteran or of an active duty service member~~ qualified person. Evidence of completion of continuing education requirements may be required for a subsequent license or renewal. A board, commission, office or agency shall provide that continuing education requirements may be met by comparable military training.

5. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Good standing" as applied to an applicant under this section means that the applicant does not have a license 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.

B. “Recently separated veteran” means a veteran of the Armed Forces of the United States during the three-year period beginning on the date of the veteran’s honorable discharge or release from active duty.

C. “Qualified person” means:

(1) A recently separated veteran, a spouse of a recently separated veteran, or a domestic partner of a recently separated veteran, or

(2) An active duty service member, a spouse of an active duty service member, or a domestic partner of an active duty service member.

SUMMARY

This amendment replaces the original bill. It amends section 8011 of Title 10 to clarify the eligibility for temporary professional licenses for qualified returning military veterans, spouses of qualified returning military veterans, domestic partners of qualified returning military veterans, active duty service members, spouses of active duty service members and domestic partners of active duty service members. It requires that the license held in another jurisdiction be in good standing in order to qualify the individual for temporary licensure in Maine. It makes a distinction between the process for temporary licensure based upon whether the profession is regulated directly or by an affiliated board. It describes the application process for temporary licensure. It allows for the granting of limited extensions to temporary licensure. It adds definitions of “good standing”, “recently separated veteran” and “qualified person”.