

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 149

H.P. 105

House of Representatives, January 21, 2021

An Act To Facilitate Licensure for Credentialed Individuals from Other Jurisdictions

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 cursive script that reads "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, to
18 waive, on a case-by-case basis, documentation requirements for licensure submitted by
19 applicants for licensure educated in or with relevant experience or licensure in other
20 jurisdictions, including other states, United States territories, foreign nations and
21 foreign administrative divisions, as long as the waiver does not reduce the requisite
22 standards of proficiency for the licensed profession or occupation. The Director of the
23 Office of Professional and Occupational Regulation may adopt rules to implement this
24 paragraph. Rules adopted pursuant to this paragraph are routine technical rules
25 pursuant to Title 5, chapter 375, subchapter 2-A;

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

27 P. To exercise discretionary authority to waive examination fees and license fees set
28 pursuant to paragraph D for applicants for licensure educated in or with relevant
29 experience or licensure in other jurisdictions, including other states, United States
30 territories, foreign nations and foreign administrative divisions. The Director of the
31 Office of Professional and Occupational Regulation may adopt rules to implement this
32 paragraph. Rules adopted pursuant to this paragraph are routine technical rules
33 pursuant to Title 5, chapter 375, subchapter 2-A;

34 **Sec. 5. 10 MRSA §8003, sub-§2-A, ¶Q** is enacted to read:

35 Q. To adopt rules defining, as appropriate for licensing purposes, the term
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 pursuant to Title 5, chapter 375, subchapter
39 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. Rules adopted pursuant to
24 this subparagraph are routine technical rules as described in Title 5, chapter 375,
25 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 foreign
31 administrative divisions. For purposes of this subparagraph, "provisional license"
32 means a license issued for a defined period of time and with the requirement that
33 the licensee meet certain established conditions in order to maintain the provisional
34 license or to gain full licensure. The office, board or commission may adopt rules
35 to implement this subparagraph. Rules adopted pursuant to this subparagraph are
36 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

37 **Sec. 10. 10 MRSA §8003-H** is enacted to read:

38 **§8003-H. 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 It also develops a process for licensure by endorsement for United States license
2 holders who meet certain criteria.