

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1316

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H.P. 919

House of Representatives, March 27, 1991

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Sabattus.  
Cosponsored by Representative SHELTRA of Biddeford.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Clarify Board Membership Qualifications and Make  
Necessary Fee Adjustments to Meet Board and Departmental Operating  
Expenses for the State Board of Licensure for Professional Foresters.**

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(EMERGENCY)

Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, delay in the implementation of changes to the law  
6 will result in unnecessary burdens on the State Board of  
Licensure for Professional Foresters and the inability of the  
8 board to function independently and financially; and

10  
Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
12 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
14 safety; now, therefore,

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

18 **Sec. 1. 32 MRSA §5004**, as amended by PL 1989, c. 503, Pt. B,  
§146, is further amended to read:

20 **§5004. State Board of Licensure for Professional Foresters**

22  
A State Board of Licensure for Professional Foresters within  
24 the Department of Professional and Financial Regulation, as  
established by Title 5, section 12004-A, subsection 17, shall  
26 administer the provisions of this chapter. The board shall  
~~consist~~ consists of 5 licensed professional foresters and one  
28 public member who shall ~~be~~ is selected and appointed by the  
Governor, ~~and the forester members shall be qualified as required~~  
30 ~~by section 5005~~. Appointments shall ~~be~~ are for 5-year 3-year  
terms, except that no more than one forester member's term may  
32 expire in any one calendar year and appointments for terms of  
less than 5 3 years may be made ~~in order~~ to comply with this  
34 limitation. Upon expiration of a member's term, that member  
shall serve until a successor is qualified and appointed. The  
36 successor's term shall ~~be~~ is 3 years from the date of the  
expiration, regardless of the date of appointment. No person may  
38 ~~be eligible to~~ serve more than 2 3 full consecutive terms,  
~~provided that for this purpose only a~~ . A period actually served  
40 which ~~that~~ exceeds 1/2 of the 5-year 3-year term shall ~~be deemed~~  
is considered a full term. Beginning on the effective date of  
42 this section, any new appointment is for a 3-year term.

44 **Sec. 2. 32 MRSA §5005**, as enacted by PL 1975, c. 490, is  
repealed.

46  
48 **Sec. 3. 32 MRSA §5012, sub-§3**, as enacted by PL 1989, c. 142,  
is amended to read:

50 **3. Examination.** Beginning January 1, 1991, successful  
completion, ~~at any time~~, of a written examination, the content of  
52 which shall ~~be~~ is determined by the board. Examinations shall

2 must be given at least twice each year. The board shall set a  
3 fee for the examination ~~sufficient-only-to-cover-costs-related-to~~  
4 ~~it~~. In some circumstances, as determined by the board, an oral  
5 examination may be substituted for the written examination.  
6 Persons who are licensed on or before January 1, 1991, shall are  
7 not be required to complete an examination as a condition for  
8 continuing licensure. The board shall establish by rule the  
order in which licensure qualifications must be met.

10 **Sec. 4. 32 MRSA §5013**, as amended by PL 1987, c. 395, Pt. A,  
11 §185, is further amended to read:

12 **§5013. Applications; fees**

13 Applications for licensure shall ~~must~~ be made on forms  
14 prescribed and furnished by the board, and shall contain  
15 statements made under oath as to residence, the applicant's  
16 education, a detailed summary of his technical experience, and  
17 shall contain the names of not less than 5 references, 3 or more  
18 of whom shall must be foresters having personal or professional  
19 knowledge of his forestry experience. Notwithstanding any other  
20 provision of law, any communications solicited or received by the  
21 board as references may be kept confidential by the board and any  
22 discussion of these references may be conducted in executive  
23 session. An application fee may be established by the board in  
24 an amount which is reasonable and necessary for its purpose. The  
25 fee for a license as a licensed professional forester shall ~~be~~ is  
26 fixed by the board, but shall may not exceed ~~\$25-fer-2-years~~ \$50  
27 annually and shall must be paid before the issuance of the  
28 license. Should the applicant fail to remit the licensure fee  
29 within 30 days after being notified by certified mail that his  
30 the application has been accepted, he the applicant shall forfeit  
31 the right to have a license so issued and the applicant may be  
32 required to again submit an original application.

33 **Sec. 5. 32 MRSA §5015, 2nd ¶**, as amended by PL 1987, c. 395,  
34 Pt. A, §187, is further amended to read:

35 Licenses shall expire on December 31st ~~2--years~~ or as  
36 designated by the Commissioner of Professional and Financial  
37 Regulation, following their issuance or renewal and shall become  
38 invalid on that date unless renewed. It shall ~~be~~ is the duty of  
39 the Division of Licensing and Enforcement to notify, at his the  
40 last known address, every person licensed under this chapter of  
41 the date of the expiration of his the license and the amount of  
42 the fee that shall ~~be~~ is required for its renewal ~~fer-2-years~~,  
43 that notice to be mailed at least one month in advance of the  
44 date of the expiration of that license. The board shall fix the  
45 renewal fee for licenses, which fee shall may not exceed the sum  
46 of ~~\$25-for-2-years~~ \$50 annually. Renewal of licenses ~~fer-the~~  
47 ~~following-2-years~~ may be effected at any time during the month of  
48 December renewal of the year in which the license is due for

renewal by payment of the renewal fee fixed by the board. A  
2 license may be renewed up to 90 days after the date of expiration  
upon payment of a late fee of \$10 in addition to the renewal  
4 fee. Any person who submits an application for renewal more than  
90 days after the license renewal date shall-be is subject to all  
6 requirements governing new applicants under this chapter. The  
board shall make an exception to the foregoing renewal provision  
8 in the case of a person who is in the Armed Services of the  
United States.

10 **Emergency clause.** In view of the emergency cited in the  
12 preamble, this Act takes effect when approved.

14 **STATEMENT OF FACT**

16 This bill:

18 1. Revises membership qualifications of the State Board of  
20 Licensure for Professional Foresters by requiring appointees to  
be licensed foresters. It further standardizes the board  
22 members' terms to conform to other boards within the Division of  
Licensing and Enforcement;

24 2. Allows the board to establish by rule the order in which  
26 licensure qualifications must be met; and

28 3. Allows the board to change from a biennial to an annual  
renewal cycle and increases licensure fees. This bill addresses  
30 the additional funding needed to meet legislatively mandated  
salary increases as well as other increased operating costs, such  
32 as the cost of initiating an intern program and implementing a  
legislatively mandated examination process by January 1, 1991.  
34