

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 685

S.P. 221

In Senate, February 8, 2005

**An Act To Waive Continuing Education Requirements and To
Provide an Automatic Extension of a License, Certificate or
Registration for Mobilized Military Members**

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.

Cosponsored by Representative SMITH of Monmouth and

Senators: DAVIS of Piscataquis, GAGNON of Kennebec, Representatives: AUSTIN of Gray, BERUBE of Lisbon, FISHER of Brewer, HOTHAM of Dixfield, PATRICK of Rumford, TUTTLE of Sanford.

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

2
4 **Sec. 1. 10 MRSA §8003, sub-§5, ¶C**, as amended by PL 2003, c.
204, Pt. B, §1, is further amended to read:

6 C. The bureau, office, board or commission may:

8 (1) Require all applicants for license or registration
10 renewal to have responded under oath to all inquiries
set forth on renewal forms;

12 (2) ~~Require~~ Except as provided in Title 37-B, section
14 390-A, require applicants for license or registration
16 renewal to present proof of satisfactory completion of
continuing professional or occupational education in
18 accordance with each bureau's, office's, board's or
commission's rules. Failure to comply with the
20 continuing education rules may, in the bureau's,
office's, board's or commission's discretion, result in
22 a decision to deny license or registration renewal or
may result in a decision to enter into a consent
24 agreement and probation setting forth terms and
conditions to correct the licensee's or registrant's
26 failure to complete continuing education. Terms and
conditions of a consent agreement may include requiring
28 completion of increased hours of continuing education,
civil penalties, suspension and other terms as the
30 bureau, office, board, commission, the licensee or
registrant and the Department of the Attorney General
32 determine appropriate. Notwithstanding any contrary
provision set forth in a bureau's, office's, board's or
34 commission's governing law, continuing education
requirements may coincide with the license or
registration renewal period;

36 (3) Refuse to renew a license or registration or deny
38 a license when the bureau, office, board or commission
finds a licensee or registrant to be in noncompliance
40 with a bureau, office, board or commission order or
consent agreement;

42 (4) Allow licensees or registrants to hold inactive
44 status licenses or registrations in accordance with
each bureau's, office's, board's or commission's
46 rules. The fee for an inactive license or registration
may not exceed the statutory fee cap established for
48 the bureau's, office's, board's or commission's license
or registration renewal set forth in its governing law;
50 or

2 (5) Delegate to staff the authority to review and
approve applications for licensure pursuant to
4 procedures and criteria established by rule. Rules
developed pursuant to this subparagraph are routine
6 technical rules as described in Title 5, chapter 375,
subchapter 2-A.

8 Sec. 2. 37-B MRSA §390-A is enacted to read:

10 **§390-A. Waiver of continuing education requirements; extension**
12 **of license, certificate or registration**

14 **1. Definitions.** As used in this section, unless the
context otherwise indicates, "active duty for a period of more
16 than 30 days" has the same meaning as in 10 United States Code,
Section 101(d)(2).

18 **2. Waiver of continuing education requirements.**
Notwithstanding any other provision of law, a person who is a
20 member of the National Guard or the Reserves of the United States
Armed Forces under an order to active duty for a period of more
22 than 30 days and who was licensed, registered or certified to
engage in a profession or occupation prior to entering into
24 active duty for a period of more than 30 days may not be required
to complete the continuing education requirements for that
26 profession or occupation for any licensing, registration or
certification period during that period of active duty and for 6
28 months after that person is released from active duty.

30 **3. Automatic extension of license, certificate or**
registration. Notwithstanding any other provision of law, a
32 person who is a member of the National Guard or the Reserves of
the United States Armed Forces under an order to active duty for
34 a period of more than 30 days and who was licensed, certified or
registered to engage in a profession or occupation prior to being
36 called to active duty for a period of more than 30 days and whose
license, certificate or registration expires during that period
38 of active duty must have that license, certificate or
registration automatically extended for the period of active duty
40 and for 6 months after that person has been released from active
duty.

42 **4. Limited application.** This section applies only if the
44 member's service is in support of:

46 **A. An operational mission for which members of the Reserves**
of the United States Armed Forces have been ordered to
48 **active duty without their consent; or**

2 B. Forces activated during a period of war declared by the
3 United States Congress or a period of national emergency
4 declared by the President of the United States or the United
5 States Congress.

6
7
8 **SUMMARY**

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10 This bill provides a waiver of continuing education
11 requirements for licenses, certifications and registrations of
12 mobilized members of the military during a mobilization period
13 and for 6 months thereafter. It also extends licenses,
14 certificates and registrations to engage in a profession or
occupation for mobilized military members during a mobilization
period plus 6 months.