

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1735

S.P. 687

In Senate, January 16, 2014

An Act To Amend Forester Licensing Requirements

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

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative FREDETTE of Newport and
Senator: THOMAS of Somerset, Representative: VOLK of Scarborough.

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

2 **Sec. 1. 32 MRSA §5514, sub-§3, ¶C**, as amended by PL 2003, c. 364, §2, is
3 further amended to read:

4 C. The applicant shall ~~submit 3 references from persons demonstrating the~~
5 ~~applicant's good character to work as an intern forester. One of the references must~~
6 ~~be from the individual~~ provide the name of the person who is proposed to serve as the
7 sponsor.

8 **Sec. 2. 32 MRSA §5515, sub-§3**, as enacted by PL 2001, c. 261, §4, is repealed
9 and the following enacted in its place:

10 **3. Internship.** An applicant for a forester license shall complete an internship as
11 follows.

12 A. An applicant with an associate degree or no degree shall demonstrate 48 months
13 of forestry experience as an intern forester or as provided in this paragraph pursuant
14 to rules adopted by the board. Notwithstanding the licensure requirements under this
15 subchapter, an applicant with an associate degree may earn up to 12 months of
16 forestry experience toward the 48-month requirement prior to the issuance of an
17 intern forester license if:

18 (1) The forestry experience is obtained after the applicant has completed the first
19 year of an associate degree program and prior to graduation from that program
20 and is under the supervision of a forester registered with the board pursuant to
21 subsection 10, paragraph B; or

22 (2) The applicant can demonstrate lawful prior professional forestry practice in
23 another jurisdiction.

24 An applicant under this paragraph must complete the 48 months of experience within
25 6 calendar years prior to application.

26 B. An applicant with a bachelor's degree or higher shall demonstrate 24 months of
27 forestry experience as an intern forester or as provided in this paragraph pursuant to
28 rules adopted by the board. An applicant with a bachelor's degree or higher may earn
29 up to 12 months of forestry experience toward the 24-month requirement prior to the
30 issuance of an intern forester license if:

31 (1) The forestry experience is obtained after the applicant has completed the
32 junior year of the bachelor's degree program and prior to graduation and is under
33 the supervision of a forester registered with the board pursuant to subsection 10,
34 paragraph B; or

35 (2) The applicant can demonstrate lawful prior professional forestry practice in
36 another jurisdiction.

37 An applicant under this paragraph must complete the 24 months of experience within
38 6 calendar years prior to application.

1 **Sec. 3. 32 MRSA §5515, sub-§§4 and 5**, as enacted by PL 2001, c. 261, §4, are
2 amended to read:

3 **4. Recommendation.** The applicant shall submit ~~references from 3 foresters~~
4 ~~familiar with the applicant's forestry practice. At least one of the references must be a~~
5 reference from the sponsor, unless the sponsor is unavailable as a reference through no
6 fault of the applicant. An applicant exempted under subsection 5 shall submit ~~references~~
7 a reference from ~~3 a~~ forestry ~~professionals~~ professional familiar with the applicant's
8 forestry practice.

9 **5. Exemption to internship; professional practice in another jurisdiction.**
10 Notwithstanding subsection 3, the board may waive the internship requirement, as set
11 forth in subsection 3, for an applicant who has at least 24 months of lawful prior
12 professional forestry practice in another jurisdiction within the 6-year period prior to
13 application, ~~as long as the practice is determined by the board to be substantially~~
14 equivalent to the successful completion of forestry internship under subsection 3 pursuant
15 to rules adopted by the board.

16 **Sec. 4. 32 MRSA §5515, sub-§5-A** is enacted to read:

17 **5-A. Exemption to internship; professional practice as a federal employee.**
18 Notwithstanding subsection 3, the board may waive the internship requirement, as set
19 forth in subsection 3, for an applicant who has at least 24 months of prior professional
20 forestry practice as an employee of the Federal Government within the 6-year period
21 prior to application pursuant to rules adopted by the board.

22 **Sec. 5. 32 MRSA §5515, sub-§6**, as amended by PL 2007, c. 402, Pt. T, §10, is
23 further amended to read:

24 **6. Examination.** Each applicant for a forester license shall submit an application
25 and examination fee as set under section 5507 and successfully pass an examination
26 approved by the board designed to test an individual's knowledge to engage in the
27 practice of forestry. Applicants must meet all other qualifications for licensure prior to
28 taking the examination except that an applicant with a degree in forestry from a school or
29 college approved by the board pursuant to rules adopted by the board may take the
30 examination prior to meeting all of the qualifications for licensure.

31 **Sec. 6. 32 MRSA §5516, sub-§1**, as enacted by PL 2001, c. 261, §4, is repealed.

32 **Sec. 7. 32 MRSA §5516, sub-§2**, as enacted by PL 2001, c. 261, §4 and amended
33 by PL 2011, c. 286, Pt. B, §5, is further amended to read:

34 **2. Applicants licensed in another jurisdiction.** An applicant who is licensed under
35 the laws of another jurisdiction is governed by this subsection.

36 ~~A. An applicant who is licensed under the laws of a jurisdiction that has a reciprocal~~
37 ~~agreement with the board may obtain a license upon the terms and conditions as~~
38 ~~agreed upon through the reciprocal agreement.~~

1 B. An applicant who is licensed in good standing under the laws of a another
2 jurisdiction ~~that has not entered into a reciprocal agreement with the board~~ may
3 qualify for licensure ~~by submitting evidence satisfactory to the board that the~~
4 ~~applicant has met all of the qualifications for licensure equivalent to those set forth by~~
5 ~~this subchapter for that level of licensure~~ pursuant to rules adopted by the board,
6 including, but not limited to, passing the examination as required by section 5515,
7 subsection 6.

8 ~~C. All nonresident license applicants shall submit with the application an irrevocable~~
9 ~~consent that service of process on the applicant for an action filed in a court of this~~
10 ~~State arising out of the applicant's activities as a forester in this State may be made by~~
11 ~~delivery of the process to the Director of the Office of Professional and Occupational~~
12 ~~Regulation if, in the exercise of due diligence, a plaintiff can not effect personal~~
13 ~~service upon the applicant.~~

14 **Sec. 8. Transition.** An applicant for a forester license pursuant to the Maine
15 Revised Statutes, Title 32, chapter 76, subchapter 3 who possesses an intern forester
16 license issued prior to the effective date of this Act is required to meet the qualifications
17 for a forester license in effect at the time of the issuance of the intern forester license.

18 **Sec. 9. Effective date.** This Act takes effect June 1, 2015.

19 **SUMMARY**

20 This bill changes the laws governing the licensure of foresters to repeal the
21 requirement for an applicant for an intern forester license or forester license to submit 3
22 references as part of the license application. The bill also makes several other changes,
23 including allowing certain persons to engage in forestry before being licensed, allowing a
24 holder of a forestry degree from an approved school to take the examination before
25 meeting all qualifications for licensure, making changes in the forester licensing laws
26 regarding reciprocal agreements and adding a new provision to permit the Board of
27 Licensure of Foresters to waive the internship requirement for an applicant who has at
28 least 24 months of forestry experience as an employee of the Federal Government within
29 the 6-year period prior to application.