

# **MAINE STATE LEGISLATURE**

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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**Legislative Document**

**No. 149**

H.P. 105

House of Representatives, January 21, 2021

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**An Act To Facilitate Licensure for Credentialed Individuals from  
Other Jurisdictions**

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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.

*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. Good standing.** The applicant is in good standing in all jurisdictions in which the applicant holds or has held a license. For purposes of this subsection, "good standing" means that the applicant does not have a 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;

**2. No cause for denial.** No cause for denial of a license exists under section 8003, subsection 5-A, paragraph A or under any other law; and

**3. Fee.** The applicant pays the fee, if any, pursuant to section 8003, subsection 2-A, paragraph D.

The office, or a licensing board or commission within the office, may require an applicant to pass a jurisprudence examination if such an examination is required to be passed for licensure pursuant to law or rule of the office, licensing board or commission.

The office, including the licensing boards and commissions within the office, shall adopt rules to implement this section. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

## SUMMARY

This bill implements some of the recommendations of Resolve 2019, chapter 79 directing the Commissioner of Professional and Financial Regulation to form a working group to assess barriers to professional licensure for skilled individuals with foreign credentials and licensees of other states who apply for Maine licensure.

It allows the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to exercise discretionary authority, after consultation with licensing entities, to waive documentation requirements for licensure submitted by applicants educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions, as long as the waiver does not reduce the requisite standards of proficiency for the licensed profession or occupation. It allows the director to exercise discretionary authority to waive examination fees and license fees for applicants for licensure educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions. It also allows the office, or a licensing board or commission within the office, to grant provisional licenses to applicants educated in or with relevant experience or licensure in other jurisdictions, including other states, United States territories, foreign nations and foreign administrative divisions. It provides the director with rule-making authority to implement these discretionary authorities.

It provides the director with the authority to adopt rules to define the term "jurisdiction" for licensing purposes to mean a state, a United States territory, a foreign nation or a foreign administrative division that issues a license or credential.

It provides the director with the authority to accept funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation, to expend those funds for purposes consistent with the purposes of the Maine Revised Statutes, Title 10, section 8003 and to provide grants to nongovernmental entities for purposes consistent with that law.

1           It also develops a process for licensure by endorsement for United States license  
2           holders who meet certain criteria.