

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL & OCCUPATIONAL REGULATION  
BOARD OF LICENSURE OF FORESTERS  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Paul R. LePage  
Governor

Anne L. Head  
Director

January 25, 2013

Senator Troy D. Jackson and Representative James F. Dill  
Committee on Agriculture, Conservation and Forestry  
100 State House Station  
Augusta, ME 04333-0100

Dear Senator Jackson and Representative Dill:

Resolve 2011, Chapter 130, directed the Department of Professional and Financial Regulation, Board of Licensure of Foresters and the Department of Agriculture, Conservation and Forestry, Maine Forest Service, to examine the licensing requirements for foresters as specified in the Maine Revised Statutes, Title 32, chapter 76 for the purpose of streamlining forester licensing requirements and to submit a report of our work to the Joint Standing Committee on Agriculture, Conservation and Forestry.

We are pleased to submit this report to the Committee for its consideration. We would be pleased to discuss this report with the Committee at its convenience.

Sincerely,

*Robert D. Seymour*

Robert D. Seymour, Ph.D.  
Chair, Board of Licensure of Foresters

*Doug Denico*

Doug Denico  
Director, Maine Forest Service

cc: Joint Standing Committee on Labor, Research and Economic Development  
Anne L. Head, Commissioner, Department of Professional and Financial Regulation  
Walter E. Whitcomb, Commissioner, Department of Agriculture, Conservation and Forestry



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OFFICES LOCATED AT: 76 NORTHERN AVENUE, GARDINER, MAINE

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND TWELVE

S.P. 613 - L.D. 1776

**Resolve, To Streamline Forester Licensing Requirements**

**Sec. 1. Streamlining of forester licensing requirements. Resolved:** That the Department of Professional and Financial Regulation, Board of Licensure of Foresters, referred to in this resolve as "the board," and the Department of Conservation, Maine Forest Service shall examine the licensing requirements for foresters as specified in the Maine Revised Statutes, Title 32, chapter 76 for the purpose of streamlining forester licensing requirements. In performing this examination, the board and the Maine Forest Service shall develop recommendations that:

1. Simplify the education, testing and experience requirements for obtaining a license as a forester; and
2. Allow a person who meets specified experience levels and demonstrates knowledge of forestry law to be exempt from the education requirements of Title 32, section 5514, subsection 2.

The board shall submit the recommendations and implementing legislation to the joint standing committee of the Legislature having jurisdiction over forestry matters no later than December 18, 2012 for consideration by the 126th Legislature. The joint standing committee may report out a bill regarding the simplified process.

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In House of Representatives, ..... 2012

Read and passed finally.

..... Speaker

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In Senate, ..... 2012

Read and passed finally.

..... President

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Approved ..... 2012

..... Governor

**Streamlining Forester Licensing Requirements**  
**15 January 2013**

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Streamlining Forester Licensing Requirements  
15 January 2013

**Streamlining Forester Licensing Requirements**  
**Report to the**  
**Committee on Agriculture, Conservation, and Forestry**  
**of the**  
**126<sup>th</sup> Maine Legislature,**  
**First Regular Session**

Submitted as required by Resolve, To Streamline Forester Licensing Requirements  
(Chapter 130, 125<sup>th</sup> Maine Legislature)



15 January 2013

Submitted by

**Maine Department of Agriculture, Conservation, and Forestry,  
Division of Forestry**

**and**

**Department of Professional and Financial Regulation,  
Board of Licensure of Foresters**

**Augusta, Maine 04333-0022**

## **Introduction**

Resolve 2011, Chapter 130, directed the Department of Professional and Financial Regulation, Board of Licensure of Foresters (the board), and the Department of Agriculture, Conservation, and Forestry, Maine Forest Service (MFS) to examine the licensing requirements for foresters as specified in the Maine Revised Statutes, Title 32, chapter 76 for the purpose of streamlining forester licensing requirements.

The Resolve further directed that the board and MFS develop recommendations that:

1. Simplify the education, testing and experience requirements for obtaining a license as a forester; and
2. Allow a person who meets specified experience levels and demonstrates knowledge of forestry law to be exempt from the education requirements of Title 32, section 5514, subsection 2.

This report provides recommendations intended to simplify the forester licensing process and, in some instances, reduce the cost to obtain a forester license while continuing to protect the consumers of forestry services in Maine.

The board and MFS met several times since last spring to gather information and develop recommendations.

The recommendations in this report are supported unanimously by the board and MFS.

The report contains two major sections; (1) recommendations for statutory, rule, and policy changes related to forester licensing; and, (2) a background report on forester licensing in Maine, patterned after the "sunrise review" process for new business regulation proposals, which was developed to inform the deliberations of the board and MFS.

## Streamlining Forester Licensing Requirements 15 January 2013

### RECOMMENDATIONS

Current law/rule: Intern Forester - two pathways to licensure:

1. Forestry degree<sup>1</sup>: Associate's, bachelor's or higher degree from a curriculum in forestry

*Recommendation: No change, except that up to one year of work experience obtained during college (post junior year for bachelor's; after first year for associate's) may count toward the required internship, provided that the experience is obtained under the supervision of a forester who is responsible for the applicant's conduct and verifying the applicant's work experience. See recommendations in following sections.*

2. Variance Method (4 years of lawful work experience within the 8 years prior to submission of the application) & Supplemental Education (60 contact hours).

*Recommendation: No change.*

Current law/rule: Forester - six pathways to licensure:

1. 24 month internship (bachelor's or higher degree) within 6 calendar years prior to the submission of the application and pass the SAF<sup>2</sup> and Maine-specific exams;

*Recommendation:*

*1. a. Bachelor's or higher, accredited - 24 months of lawful experience<sup>3</sup> within 6 calendar years prior to the submission of the application and pass the new, Maine-specific exam on forestry laws (SAF exam not required).<sup>4</sup> Required experience may be obtained either through lawful work experience<sup>5</sup> in another state, internship as outlined above, or by working under the supervision of a Maine licensed forester, who is responsible for the applicant's conduct and for verifying the applicant's work experience.*

*1. b. Bachelor's or higher, non-accredited - 24 months of lawful experience within 6 calendar years prior to the submission of the application and pass both the SAF*

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<sup>1</sup> Accredited degrees (SAF or CIF) automatically approved; non-accredited forestry or forest technology degree "case by case board approval."

<sup>2</sup> An applicant who passed the SAF exam in another jurisdiction or to qualify for SAF certification is not required to take the SAF exam again but is required to pass the Maine-specific exam.

<sup>3</sup> Clarify through rulemaking what kind of forestry experience may count toward experience requirements (including, but not limited to, employees of the USDA Forest Service and unlicensed individuals who work in Maine under the supervision of a Licensed Forester - with that forester's attestation), but the experience must be lawful. Experience may be obtained in any of the four experience categories: forest biology, forest resources measurement; forest resource management and harvesting; and/or forest resource policy and administration - not percentage allocations as currently is the case.

<sup>4</sup> Examination may be taken following completion of required academic experience but before completing required lawful work experience (rule change).

<sup>5</sup> "Lawful work experience" means any experience gained while working as a licensed forester in a state that requires licensing, or while working as a forester in a state that does not require licensing, or while working for the USDA Forest Service. Experience must be documented and subject to verification by the Department of Professional and Financial Regulation.



**Streamlining Forester Licensing Requirements**  
**15 January 2013**

*exam and the new, Maine-specific exam on forestry laws. Required experience may be obtained either through lawful work experience in another state, internship as outlined earlier, or by working under the supervision of a Maine licensed forester, who is responsible for the applicant's conduct and for verifying the applicant's work experience.*

2. 48 month internship (associate's degree or variance method) within 6 calendar years prior to the submission of the application and pass the SAF and Maine-specific exams;

*Recommendation:*

*2. a. Associate's, accredited - 48 months of lawful experience within 6 calendar years prior to the submission of the application and pass the new, Maine-specific exam on forestry laws (SAF exam not required). Required experience may be obtained either through lawful work experience in another state, internship as outlined earlier, or by working under the supervision of a Maine licensed forester, who is responsible for the applicant's conduct and for verifying the applicant's work experience.*

*2. b. Associate's, non-accredited - 48 months of lawful experience within 6 calendar years prior to the submission of the application and pass both the SAF exam and the new, Maine-specific exam on forestry laws. Required experience may be obtained either through lawful work experience in another state, internship as outlined earlier, or by working under the supervision of a Maine licensed forester, who is responsible for the applicant's conduct and for verifying the applicant's work experience.*

2. c. No degree or experience only

- i. Four years of lawful work experience within the eight years prior to submission of the application. Required experience may be obtained either through lawful work experience in another state or by working under the supervision of a Maine licensed forester, who is responsible for the applicant's conduct and for verifying the applicant's work experience. Internship not required.*

- ii. Supplemental education (60 contact hours).*

- iii. Pass both the SAF exam and the new, Maine-specific exam on forestry laws.*

3. 24 months of lawful prior professional forestry experience earned in another state within the 6-year period prior to application that is substantially equivalent to the internship standards; SAF and Maine-specific exams;

*Recommendation: This pathway superseded by pathways 1 and 2 as recommended above.*

4. Reciprocal licensee meeting terms of reciprocal agreement between the Maine board and the licensing authority in the other jurisdiction; passage of the exams may be part of the terms of the agreement;

**Streamlining Forester Licensing Requirements**  
**15 January 2013**

*Recommendation: Allow licensed foresters from states that have substantially equivalent licensing requirements to Maine's (education, experience, exam) to become licensed in Maine upon passage of the new, Maine-specific exam on forestry laws. MFS assessment is that the following states meet that test: Alabama, Arkansas, California, Georgia, Mississippi, North Carolina, New Hampshire, and South Carolina (rule change).*

5. Licensed forester from another jurisdiction meeting the education (above); work experience equivalent to the Internship and passing the SAF and Maine-specific exams;

*Recommendation: This pathway superseded by pathways 1 and 2 as recommended above.*

6. Licensed forester from another jurisdiction meeting the variance pathway (see above) and passing the SAF and Maine-specific exams.

*Recommendation: This pathway superseded by pathway 2.c. as recommended above.*

**Streamlining Forester Licensing Requirements**  
**15 January 2013**

**OTHER RECOMMENDATIONS**

1. The University of Maine should offer a required course on forestry regulations. If the University is unable to offer such a course, MFS should develop an ongoing course that can be offered periodically at reasonable cost to all parties.
2. MFS should develop a study guide for the new, Maine-specific exam on forestry laws.
3. The new, Maine-specific exam on forestry laws would be administered by the Board of Licensure for Foresters. The exam should be developed in consultation with the Board, MFS, the University of Maine, and other subject matter experts. The exam is expected to cost significantly less than it does now. The exam should be offered at least two, and no more than four, times per year.
4. MFS and the Board of Licensure for Foresters should review the impact of any changes to forester licensing requirements five years following implementation.

18 December 2012

## REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

### Introduction

In March 2012, the Maine Legislature passed, and the Governor signed, Resolve 130, Resolve, To Streamline Forester Licensing Requirements (Appendix 6). This Resolve directed that the Department of Professional and Financial Regulation, Board of Licensure of Foresters (board) and the Department of Agriculture, Conservation and Forestry, Maine Forest Service (MFS) examine the licensing requirements for foresters as specified in Maine law for the purpose of streamlining forester licensing requirements. The Resolve further directed that the board and MFS develop recommendations that:

1. Simplify the education, testing and experience requirements for obtaining a license as a forester; and
2. Allow a person who meets specified experience levels and demonstrates knowledge of forestry law to be exempt from the education requirements of 32 M.R.S., §5514, sub-§2.

The board is required to submit its recommendations and implementing legislation to the joint standing committee of the Legislature having jurisdiction over forestry matters no later than 18 December 2012 for consideration by the 126th Legislature.

In preparation for developing recommendations, the Maine Forest Service compiled information on forester licensing according to the criteria prescribed in 32 M.R.S. §60-J. This section of law (aka sunrise review) provides for the review of new proposals to regulate any unregulated professional or occupational group or substantial expansion of regulation of a regulated professional or occupational group. Although foresters have been licensed in Maine for several decades, the framework prescribed in the sunrise review statute provides the foundation for an informed discussion of ways to streamline the forester licensing process.

Each of the sections that follow states and describes each criterion in the sunrise review statute; then provides information that addresses the criterion's requirements.

#### 1. Data on group.

A description of the professional or occupational group proposed for regulation or expansion of regulation, including the number of individuals or business entities that would be subject to regulation, the names and addresses of associations, organizations and other groups representing the practitioners and an estimate of the number of practitioners in each group.

There are approximately 794 licensed foresters and licensed forestry interns in the state. Approximately 22 "unlicensed persons" operate under someone's license.<sup>1</sup>

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<sup>1</sup> Leighton, C., email communication, 19 June 2012.

18 December 2012

REVIEW OF FORESTER LICENSING  
Prepared by Maine Forest Service staff

Associations representing the practitioners:

The Association of Consulting Foresters of America, Inc., Maine Chapter  
Todd Caldwell, Chapter Chair  
431 General Turner Hill Road  
Turner, ME 04282  
[todd@lecaldwell.com](mailto:todd@lecaldwell.com)  
(207) 377-3956  
14 members, all of whom are Licensed Foresters.<sup>2</sup>

Forest Guild  
Amanda Mahaffey, Northeast Program Coordinator  
[ammahaffey@gmail.com](mailto:ammahaffey@gmail.com)  
63 Maine members, of whom an estimated 38 are Licensed Foresters.<sup>3</sup>

Maine Division, New England Society of American Foresters  
Laura Audibert, Division Manager  
[info@mesaf.org](mailto:info@mesaf.org)  
225 Maine members, of whom 166 are Licensed Foresters.<sup>4</sup>

Council on Forest Engineering (New England Chapter)  
Sylvia Aulerich, Secretary  
[office@cofe.org](mailto:office@cofe.org)  
43 Maine members, of whom 28 are Licensed Foresters.<sup>5</sup>

2. Specialized skill.

Whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met.

A person seeking forestry services has a number of options for selecting a consulting forester. These options include, but are not limited to, word-of-mouth in the geographic area where the person resides; asking for professional references; asking MFS staff for referrals; checking on-line service rating lists such as Angie's List and Service Magic; making inquiries with the Better Business Bureau; and, making inquiries with the Forester Licensing Board. Some consulting foresters advertise their services in media focused on family forest owners, e.g. "Northern Woodlands" and "SWOAM News." The MFS publishes a list of "Stewardship Foresters" on line. Stewardship Foresters are qualified to write management plans that are cost-shared through MFS or the Natural Resources Conservation Service. Both the Association of Consulting Foresters and the Forest Guild publish member lists by state; these lists are available at the organizations' websites.

<sup>2</sup> Burnett, H., email communication, 26 April 2012.

<sup>3</sup> Mahaffey, A., email communications, 27 April 2012 and 15 May 2012.

<sup>4</sup> Laustsen, K., email communication, 03 May 2012.

<sup>5</sup> Aulerich, S. email communication, 25 June 2012.

18 December 2012

## REVIEW OF FORESTER LICENSING

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The large majority of family woodland owners make contact directly with a logger (or vice versa). Woodland owners often can find loggers through the same sources as foresters. Loggers have their own organizations through which woodland owners can locate logging services, e.g. the Northeast Master Logger Certification Program and Certified Logging Professional programs.

REVIEW OF FORESTER LICENSING  
Prepared by Maine Forest Service staff

## 3. Public health; safety; welfare.

The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the public's health, safety or welfare and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this State within the past 5 years.

The Forester Licensing Board has concluded eight disciplinary actions in the last five years; one of a serious nature. The board concluded eighteen disciplinary actions between 1995 and 2011; five were "practice violations" as opposed to less serious violations of licensing requirements (e.g. failure to document adequate number of CEU's). See the following table for details.

DISCIPLINARY ACTIONS TAKEN AGAINST LICENSED FORESTERS, 1995 - PRESENT (SOURCE: DPFR WEBSITE)

Date	Case ID	Licensee Name	License Number	Action Taken	What did they do?
4/28/2011	2010-FOR-6598	GADDIS, PAUL R.	LF315	CONSENT AGREEMENT	a. Violation of 10 M.R.S. § 8003(S-A)(A)(5), violation of a board rule, specifically Chapter 100 § 8, requiring a forester to strive to deliver all work on time and in a complete, accurate and competent manner, giving fair notice of any delays or deficiencies in the work; b. Violation of 10 M.R.S. §8003(S-A)(A)(5), violation of a board rule, specifically Chapter 100 § 10, requiring a forester to perform only those services for which the forester is qualified by education or experience; and c. Violation of 10 M.R.S. § 8003(S-AXA)(5), violation of a board rule, specifically Chapter 100 §§ 4 and 6, failing to have a written confirmation that adequately sets forth with reasonable certainty the scope of the project, any fee disclosure including the rates, commissions and methods by which compensation shall be calculated, and the anticipated time of completion.
2/25/2010	2009-FOR-5822	HAFFORD, CALVIN L.	LF696	DECISION AND ORDER	Ruling re preliminary denial of license - failure to obtain adequate CEU's - license restored.
4/29/2009	2008-FOR-5080	COOKE, JASON A.	LF3459	CONSENT AGREEMENT	Licensee failed to comply w/previous consent agreement (take an ethics course); wrote plans while not licensed.
5/29/2008	2008-FOR-4516	BOYLE, JAMES P.	LF2074	CONSENT AGREEMENT	Failure to obtain adequate number of CEU's.
5/22/2008	2008-FOR-4517	HOPKINS, DAVID S., JR	LF896	CONSENT AGREEMENT	Failure to obtain adequate number of CEU's.
3/19/2008	2006-FOR-2944	HAINES, WALTER A.	LF3238	DECISION AND ORDER	Failure to obtain adequate number of CEU's. Failure to respond to board notice.
1/15/2008	2007-FOR-3868	WING, KENNY R.	LF331	CONSENT AGREEMENT	Failure to obtain adequate number of CEU's; licensee wanted to surrender license.

REVIEW OF FORESTER LICENSING  
Prepared by Maine Forest Service staff

DISCIPLINARY ACTIONS TAKEN AGAINST LICENSED FORESTERS, 1995 - PRESENT (SOURCE: DPFR WEBSITE)

Date	Case ID	Licensee Name	License Number	Action Taken	What did they do?
9/27/2007	2006-FOR-2935	COOKE, JASON A.	LF3459	CONSENT AGREEMENT	Licensee failed to note a conviction on his license application.
8/24/2005	2004-FOR-40	WEATHERBEE, KEVIN	LF1008	CONSENT AGREEMENT	Failure to obtain adequate number of CEU's.
3/23/2005	2004-FOR-39	PUTNAM, EUGENE L.	LF106	DECISION AND ORDER	Unprofessional practice; failure to disclose fees; failure to provide written confirmation of work; failure to exercise due care (MFS involved in complaint).
8/25/2004	2003-FOR-38	LUMPPIO, ROBERT E.	LF384	CONSENT AGREEMENT	Alleged unprofessional practice; conflict of interest.
3/13/2002	2000-FOR-31	TOWER, ERVIN B.	LF3162	CONSENT AGREEMENT	Falsified claim for cost share payment (MFS complaint).
6/17/2001	2001-FOR-32	GADDIS, PAUL R.	LF315	CONSENT AGREEMENT	Conflict of interest.
8/1/2000	1999-FOR-29	CARPENTER, STANLEY M.	LF261	CONSENT AGREEMENT	Conspiracy to defraud government (MFS involved).
5/17/2000	1999-FOR-27	PUTNAM, EUGENE L.	LF106	DECISION AND ORDER	Failure to disclose fees in advance (surveying + mgmt. plan).
8/19/1998	1998-FOR-26	TRACY, PETER FORREST	LF840	CONSENT AGREEMENT	Failure to disclose true cost of mgmt. plan.
7/15/1998	1998-FOR-25	BURNELL, ALAN LINDSEY	LF873	CONSENT AGREEMENT	Failure to disclose conviction for a crime during license renewal.
7/19/1995	1994-FOR-16	KINNEY, CHARLES R.	LF3000	DECISION AND ORDER	Failure to produce mgmt. plan after payment from client.

Information regarding other complaints is not readily available within existing resources; however, anecdotal information suggests that complaints about foresters outside of the Forester Licensing Board are limited in number.

Neither the nature and extent of potential harm to the public if the forestry profession is not regulated, nor the extent to which there is a threat to the public's health, safety or welfare is at all clear. By many foresters' own acknowledgment, including some members of the Forester Licensing Board, there was no public call for regulation of the forestry profession; the original call for regulation came from within the profession itself.



18 December 2012

REVIEW OF FORESTER LICENSING  
Prepared by Maine Forest Service staff

4. Voluntary and past regulatory efforts.

A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.

Foresters have been licensed in Maine since 1975.

The Society of American Foresters (SAF) offers its Certified Forester (CF) credential (first established in 1994). According to SAF, "the CF credential promotes excellence in the stewardship of our nation's forest resources through enhanced professionalism in forestry." To become a CF, an individual must:

- 1 - Agree to the CF standards of practice (see Appendix 1);
- 2 - Meet minimum education criteria;
- 3 - Demonstrate proficiency in two or more of the following four areas of professional forestry-related work experience:
  - Resource Assessment;
  - Stakeholder Analysis and Relations;
  - Management Planning;
  - Execution of Management Plan; and
- 4 - Pass an examination.

Foresters also can seek independent third party certification through Resource Manager certification to the Forest Stewardship Council standard. Such certification allows foresters to distinguish themselves for forestry services, particularly to potential clients interested in participating in the market for "green certified" forest products. Currently, two consulting forester firms have FSC Resource Manager certification in Maine. According to FSC records, their client base is approximately 10,800 acres.<sup>6</sup> One consulting forester formerly certified to the FSC standard dropped their certification in 2011 after the long-expected gains in market share and price failed to materialize; they determined that the costs of certification exceeded the benefits.

It is not clear whether the voluntary efforts described above would be adequate to protect the public in the absence of licensing, as both were implemented long after the institution of forester licensing requirements. However, the regulation of forestry practices apart from licensing has significantly increased in the last three decades. These new laws protect both the forest resource and private landowners. A brief compilation of forestry-related laws enacted or significantly expanded since the 1980's follows.

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[http://www.fscus.org/certified\\_companies/index.php?num=\\*&state=ME&letter=&order=Organization+Name&type=forests](http://www.fscus.org/certified_companies/index.php?num=*&state=ME&letter=&order=Organization+Name&type=forests). Last accessed 26 April 2012.

REVIEW OF FORESTER LICENSING  
Prepared by Maine Forest Service staff

Year	Law	What the law does	LF involvement required?
1977	Land Use Regulation Commission (LURC)	Regulates timber harvesting and related activities within certain protection subdistricts, including, but not limited to, streams, rivers, Great Ponds, some wetlands, and high mountain areas.	Often
1977	Injury to land, forest products or agricultural products, boundary marking (14 M.R.S. §7552, §7552-A)	Establishes civil penalties for unlawful cutting of trees and failure to mark boundaries prior to harvesting.	No
1981	Unlawful cutting of trees (17 M.R.S. §2510)	Requires restitution for trees cut without consent of landowner	No
1985	Shoreland Zoning	Regulates timber harvesting and related activities within 75 feet of certain streams and 250 feet of Great Ponds and rivers. Some wetlands also regulated.	In part
1987	Natural Resources Protection Act (NRPA)	Regulates certain activities within or adjacent to "protected natural resources" (e.g. "significant vernal pools"). Forest management activities generally, but not always, exempt.	No
1989	Forest Practices Act	Regulates the size, arrangement, management, and regeneration of clearcuts. Licensed Forester must prepare and approve harvest plans for clearcuts larger than 20 acres; certify regeneration of all clearcuts.	Yes
1989	Tree Growth Tax Law	Requires forest management and harvest plan prepared or endorsed by a Licensed Forester.	
1997	Trip ticket law	Requires all wood transported to be accompanied by a trip ticket that lists, among other things, harvest notification number, landowner information, and logger information.	No

Year	Law	What the law does	LF involvement
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# REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

			required?
2003	Harvesting near property line (17 M.R.S. §2511)	Requires marking of boundary before timber harvesting.	
2005	Failure to pay for trees harvested (17 M.R.S. §2512)	Requires payment within 45 days for trees harvested.	No
2005	Liquidation Harvesting	Regulates the harvesting of forest land held for less than five years.	Yes
2005	Statewide Standards for Timber Harvesting in Shoreland Areas	Transfers most authorities to Maine Forest Service for regulating timber harvesting and related activities within 75 feet of certain streams and 250 feet of Great Ponds and rivers. Some wetlands also regulated.	In part
2011	Several changes to forestry laws	<ul style="list-style-type: none"> <li>Transfers most authorities from LURC to Maine Forest Service for regulating forestry in Protection subdistricts, land management roads, and small gravel pits used for forestry. MFS intends to change permit requirements to permit by rule with licensed forester involvement.</li> <li>MFS also authorized to develop permit by rule process for placement of wood in streams to enhance cold water fishery habitat with licensed forester involvement required.</li> </ul>	Yes

The Tree Growth Tax Law, which was enacted in the early 1970's prior to forester licensing, also requires the involvement of a Licensed Forester in the preparation or approval of the required forest management plans as well as certification that a landowner is following the recommendations in their management plan.

REVIEW OF FORESTER LICENSING  
Prepared by Maine Forest Service staff

4. Cost; benefit.

The extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

The cost of obtaining a license ranges from at least \$446 (if an internship is not required) to at least \$516 if an internship is required.<sup>7</sup> This estimate does not include any foregone income that may result from serving an internship or working under someone else's license as opposed to working independently.

License renewal costs \$70 per year. The cost of obtaining required continuing education credits cannot be determined due to the variable nature of the costs of qualifying educational opportunities, but could reach \$200-\$300 over the course of two years.

No specific data exist which address the cost of services provided by licensed foresters; however, information on other professions suggest that state-regulated professions command a price premium (or rent) in the marketplace, thereby suggesting increased costs to consumers for such services.<sup>8</sup> An article published by the Federal Reserve Bank of Minneapolis<sup>9</sup> summarizes the thinking of noted economists as regards the economic impacts of licensing. The passage is long, but informative.

"The negative effect of inhibiting free entry into occupations was noted early on by Adam Smith, who observed that various crafts used long apprenticeships and limits on the number of apprentices per master in order to raise professional earnings. Free competition, he suggested, would lower prices and consequently wages and profits—an outcome that crafts sought to avoid. And apprenticing didn't guarantee better work, thought Smith. "The institution of long apprenticeships can give no security that insufficient workmanship shall not frequently be exposed to public sale," he wrote in *The Wealth of Nations*.

The issue of licensing "then became dormant [in economics]," observes Kleiner during an interview at the Minneapolis Fed. Not until a 1945 NBER monograph by Milton Friedman and Simon Kuznets on "Income from Independent Professional Practice" did economists again look carefully at the impact of occupational restrictions through licensing and other forms of professional gatekeeping. "In all professions," wrote Friedman and Kuznets, "there has developed in the last few years an aristocratic, or at least a restrictive movement which, in a sense, is reminiscent of the medieval guilds."

Later, in *Capitalism and Freedom*, Friedman developed the idea more fully in a chapter devoted to occupational licensure. Once a profession obtains a legal requirement that only those with a license can practice that profession, it restricts supply of professional services and thereby increases price (and profit). "Once licensure is attained," wrote

<sup>7</sup> \$30 initial application fee; \$21 criminal background check; \$325 exam fee; \$70 license fee per year.

<sup>8</sup> E.g. Kleiner, M. and A. Krueger. 2009. Analyzing the extent and influence of occupational licensing on the labor market. National Bureau of Economic Research; Working Paper 14979. 37 pp.

<sup>9</sup> Clement, D. 2008. Licentious behavior. *The Region; Banking and Policy Issues Magazine*. Federal Reserve Bank of Minneapolis. June, 2008.  
[http://research.mpls.frb.fed.us/publications\\_papers/pub\\_display.cfm?id=3479](http://research.mpls.frb.fed.us/publications_papers/pub_display.cfm?id=3479). Accessed 09 May 2012.

18 December 2012

## REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

Friedman, "[t]he result is invariably control over entry by members of the occupation itself and hence the establishment of a monopoly position."

Nor did licensing achieve its ostensible goal of improved quality, argued Friedman, echoing Smith. Looking at the medical profession in particular, Friedman said, licensure "renders the average quality of practice low by reducing the number of physicians, by reducing the aggregate number of hours available from trained physicians ... and by reducing the incentive for research and development." It also makes it harder, he added, "to collect from physicians for malpractice" since physicians are unlikely to testify against one another when they might be punished for doing so by losing the right to practice in approved hospitals.

Friedman's view has been powerful among economists, but later work by George Akerlof, Kenneth Arrow and especially Carl Shapiro suggested a more nuanced view. Akerlof, in his famous work on asymmetric information, pointed out that the outcomes of licensing models may change when neither regulators nor consumers can directly observe the quality of producers before they buy their services. A licensing system can encourage practitioners to seek more training because they'll be able to reap higher returns from training if untrained practitioners are excluded from the profession. Arrow suggested that licensing could diminish consumer uncertainty about service quality and increase demand for it.

Shapiro expanded on these concepts, explains Kleiner, and provided an expanded theory of occupational regulation relative to Friedman. Some individuals might want lower-quality services at lower prices; others might want high quality at a high price. If licensing keeps low-quality providers out of the market, then individuals who want a higher-quality service benefit from licensing while those who want lower-quality services lose.

"So Friedman would say everyone loses [from licensing]," says Kleiner, "but Shapiro said there are winners and losers, and whether you gain or lose depends on whether you tend to buy high- or low-quality services." It is "a separating equilibrium," wrote Shapiro; licensing "tend[s] to benefit consumers who value quality highly at the expense of those who do not."

### 5. Service availability of regulation.

The extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public.

It is unknown whether and how continued regulation or expansion of regulation of the forestry profession will change the availability of services to the public. Maine Forest Service data indicate that less than 30% of timber harvests on family forest lands (private, individual holdings of 1,000 acres or less) have a licensed forester involved. Although many landowners may choose not to have a forester involved in harvesting on their land, this data suggests that there is room for business expansion.

The number of licensed foresters peaked at 1,050 foresters (and 14 interns) in 1990-1991.<sup>10</sup> The number of licensed foresters has declined significantly over the

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<sup>10</sup> Leighton, C. Email communication, 09 August 2012.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

last twelve years (2001-2012), from 847 to 736 (a drop of 13%). The number of intern foresters increased over the same period, from 27 to 49 (an increase of 81%). The number of intern foresters peaked at 59 in 2007. Combined, the number of foresters and intern foresters declined 11% from 874 in 2001 to 785 in 2012.<sup>11</sup>

As for the future supply of foresters, data provided by Seymour and the Maine Department of Labor suggest that the number of foresters graduating from the University of Maine and employed in Maine's labor market have been, and will continue to be, fairly stable. The number of forestry graduates from the University of Maine could sustain a population of about 600 foresters. Maintaining the current supply of licensed foresters, therefore, would require the importation of labor from other states.<sup>12</sup>

### 7. Existing laws and regulations.

The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

The rules implementing the forester licensing law include a code of ethics that defines the conduct of foresters in their relations with clients, employers, other professionals, and the public. This code of ethics governs licensed forester behavior beyond the laws discussed below, e.g. conflict of interest and client relations.

Consumer protection goals can be achieved through application of the state's unfair trade practices statutes (5 MRSA, Chapter 10) and other applicable statutes and rules. Such statutes have been used in civil and criminal litigation by the Attorney General and various District Attorneys to secure judgments against loggers who failed to pay for wood harvested or who otherwise defrauded their client landowners.

Environmental protection goals can be achieved through application of the state's forest practices statutes (12 MRSA, Chapter 805, sub-Chapter 3-A), environmental protection laws (38 MRSA, Chapter 3), and other applicable statutes and rules. Such statutes have been used in agency enforcement actions and civil litigation to secure judgments against landowners and loggers who violated the applicable laws and rules.

Maine has been successful in prosecuting several violations by loggers of the state's unfair trade practices laws. These prosecutions have yielded substantial financial judgments, permanent injunctions, and other sanctions against loggers who have done a great deal of financial harm to landowners (in addition to any damages to the forest and water bodies). At least two firms are no longer in business as a result of these sanctions.

<sup>11</sup> Forester Licensing Board meeting item #3, April 2012.

<sup>12</sup> Forester Licensing Board, *Ibid.*

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

The agencies responsible for enforcing the state's environmental protection laws have been effective in fulfilling their responsibilities as well.

### 8. Method of regulation.

Why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

Holt (2006) reviewed Maine's forester licensing program as the topic of his Master's thesis.<sup>13</sup> He found that "It is very difficult to objectively determine [sic] whether forester regulation should continue in its present form. If a program policy review was undertaken today, it would likely be inconclusive or yield ineffective results because it would be impaired, or result to some degree in subjective analyses due in part to insufficient or non-existing data."

Holt summarized the 1975 floor debate in the House; opponents questioned whether the health and welfare of Maine citizens was jeopardized because the forestry profession was not regulated. Proponents argued that increasing environmental regulations and other policy initiatives would combine to demand excellence from foresters. Similar arguments likely would be made today. Holt also noted that the impetus for forester licensing came from the profession and not from consumer advocates.

### 9. Other states.

A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis.

Fourteen states (including Maine) require foresters to be licensed or registered. We note, however, that Michigan's Office of Regulatory Reinvention recommended deregulation of the practice of forestry in April, 2012. No legislative action has been taken on this recommendation as of the writing of this report.

A proposal to license foresters appears to have been advanced in Missouri's Legislature in 2001, but was defeated.<sup>14</sup> Florida deregulated foresters in 1978.<sup>15</sup>

See Appendix 2 for a list of states that regulate forestry.

Education and experience: Based on the information available on these states' websites, seven states require a combination of education and experience, and

<sup>13</sup> Holt, S. 2006. State of Maine Forester Licensure Program and Policy Review. Master of Forestry Paper; University of Maine, May, 2006. 154 pp.

<sup>14</sup> Allen, L., email communication, 17 February 2012.

<sup>15</sup> State of Florida. 1978. Pp. 33-35 in A Review of Chapter 492, Florida Statutes, Forestry Practices Act. Report prepared for the Florida Sunset Act by the Senate Governmental Operations Committee. Tallahassee, FL. 53 pp.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

four states require either education or experience. Appendix 3 summarizes experience requirements for the states that have such requirements.

**Internship:** Maine and California are the only states that require an internship or apprenticeship. California only requires an apprenticeship for those applicants lacking sufficient experience. Alabama repealed its internship requirement in 2008.

**Examination:**<sup>16</sup> Ten states require some form of examination. The cost of the exam ranges from \$30 to \$325. Three states, including Maine, require the SAF Certified Forester Exam, which costs \$325. Maine's examination requirement dates back to the early 1990's. Until 2007, however, the exam was proctored locally twice a year, and the cost was relatively modest (\$75); exam questions were developed locally. The SAF exam can be taken online at a time of the applicant's choosing; it is a national exam with ten additional questions specific to Maine's forestry laws.

Alabama's exam is an open book test that covers the following subject areas: dendrology, ecology, genetics, physiology, soils; finance and law; fire, forest health; harvesting, wood products; forest management, industrial forestry; mensuration, inventory, sampling; recreation, urban, wildlife; silviculture and watershed; spatial analysis: surveying, photogrammetry, remote sensing, GIS, cartography; and, tax, economics and ethics.

Arkansas requires an examination; it is offered twice a year. No information is available about the topics covered by the exam.

Connecticut's forester examination requires knowledge of: safety and environmentally sound operation of harvesting equipment; techniques and procedures applied to timber harvesting in Connecticut; forest management; and, statutes concerning forestry, endangered species, wetlands and watercourse, contracts and agreements. The forest management section covers: Mensuration; silviculture; forest soils; forest protection; mapping; dendrology; forest management and forest management plans; timber sales and agreements; forest economics and taxation; forest engineering; forest ecology; wildlife; recreation; and, urban forestry.

Mississippi's exam is open book. It consists of 100 questions, multiple choice and true/false, apportioned as follows: silviculture, 25; management, 20; measurement, 20; economics, 10; harvesting, 5; ethics, 5; fire, 5; insects, 5; and, diseases, 5.

North Carolina offers two levels of examination; one for applicants without a Bachelor's or higher forestry degree from an SAF-accredited forestry school, and one for those who meet the education requirements. The Level 1 exam consists of two parts: Part 1 is a two hour closed book exam testing the applicant's

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<sup>16</sup> Mississippi did not respond to inquiries.



## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

knowledge of forestry approximating that obtained through graduation from a four-year curriculum in forestry. Part 2 is a four hour open book exam focusing on the practice of forestry in NC. The Level 2 exam is a four hour open book exam focusing on the practice of forestry in NC. The range of questions on the examinations is broad. It includes any material covered in forestry and forestry-related courses. The following critically important subject areas are always covered: mensuration, management, silviculture, dendrology, silvics/physiology, genetics, soils, economics, entomology, pathology, fire, and aerial photography.

New Hampshire's exam consists of three parts and is designed to last two to three hours. The first part covers the following topics: laws and regulation, ethics, ecology and dendrology, silviculture, mensuration, soil and water resources, forest protection, and management and management planning. In the second part, the examinee chooses three knowledge areas out of a possible five: land surveying, mapping, and photogrammetry; wildlife habitat management; marketing and utilization; stumpage valuation; and taxation. Part three consists of two essay questions that identify a situation and asks for a solution. The exam is closed book and is offered twice a year.

Application fees: Application fees for a forester license range from zero to \$90, with the mode and the median around \$50. Maine's application fee is \$51.00, including the required criminal background check.

Evidence on the effect of regulation of the profession: There is little quantitative evidence to suggest that licensing has or has not had an effect on the profession. On one hand, three states (Arkansas, North Carolina, and Connecticut) increased regulation of the profession since 1978.<sup>17</sup> On the other hand, Florida and, more recently, Michigan - have determined that regulation of the forestry profession through licensing is not necessary to protect the public.<sup>18</sup> Missouri's legislature rejected a bill proposing to license foresters in that state.

### 10. Previous efforts.

#### The details of any previous efforts in this State to implement regulation of the profession or occupation.

Forester licensing has existed since 1975. The law and implementing rules have been amended several times since then, most recently in 2001 (law) and 2002 (rule). In general, the law and its implementing rules have increased regulatory requirements for forestry licensure, including reducing exemptions and adding internship, examination, and continuing education requirements. No data exist to test the hypothesis that such changes have better protected Maine's consumers of forestry services. Holt's thesis discusses the significant changes in detail, and

<sup>17</sup> Holt, S. 2006. op. cit.

<sup>18</sup> As noted earlier, Michigan's legislature has not yet taken action on a recommendation by the state's Office of Regulatory Reinvention.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

readers are referred to that document for amplification. See also Appendix 4 for a more detailed listing of law and rule amendments.

On a related note, a legislative proposal to license loggers was advanced by a consulting forester in 1998. Because the proposal was submitted after the effective date of the sunrise review law, it was subjected to a sunrise review by a panel appointed by the Commissioner of Professional and Financial Regulation. The panel concluded that although the profession of logging met the threshold for licensure, it did not recommend that licensing requirements be imposed. Instead, the panel recommended that better enforcement of existing laws (including those mentioned in this report) and minor changes to some of those laws would suffice to protect the public.

### 11. Mandated benefits.

Whether the profession or occupation plans to apply for mandated benefits.

This section does not apply to the forestry profession.

### 12. Minimal competence.

Whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

Current law and rule require that a candidate for licensure as a forester meet certain education, experience, and testing requirements.

The University of Maine's School of Forest Resources offers a perspective on the minimal standards of competence for a graduating forester (Appendix 5). The school's learning objectives are reproduced below:

"Students graduating from the Forestry program will be effective and ethical stewards of forests for all resources, including trees, biological diversity, water, and recreation by being able to:

1. Think, write, and speak effectively about the complexities and tradeoffs associated with responsible stewardship of forest resources.
2. Utilize quantitative and qualitative methods for resource analysis and problem solving.
3. Integrate knowledge of basic biology, physical sciences, forest and wildlife ecology, and social sciences into the stewardship of forest resources.
4. Apply knowledge of and techniques from forest measurement, geomatics, silviculture, forest economics, forest operations, forest bioproducts, and forest policy to develop and evaluate alternatives for managing forest resources.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

5. Choose and employ appropriate concepts, models, and effective techniques to produce and analyze forest resource plans, from woodlots to landscapes, which consider multiple competing objectives."

The requirements for membership in the Association of Consulting Foresters are as follows:

1. Be a graduate of a professional forestry degree-granting program recognized by the ACF Executive Committee. The Executive Committee currently uses the Society of American Foresters Accredited Professional Forestry Degree Program, and;
2. Have at least two (2) years experience in practical forestry administration, forest management or other special forestry classification, and;
3. Be a professional forester, whose principal activity is forestry consulting work to the public on a fee or contract basis, and;
4. Be an owner, partner or a significant stockholder in a forestry consulting firm or a salaried employee of a consulting firm owned by one or more ACF members, and;
5. Have no economic interest in a timber purchasing or timber procurement entity wherein a potential conflict of interest may exist in serving the public.

### 13. Financial analysis.

The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

Forester licensing is a program within the Department of Professional & Financial Regulation; Office of Professional & Occupational Regulation. The program is a dedicated revenue program supported by license fees paid by licensees of the Board of Licensure of Foresters. The current license fee is \$70 annually; the fee cap is \$100.00. Over the past three fiscal years (FY 10-12) the program has generated, on average, \$58,700 in revenue and \$57,580 in expenses.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

### Appendix 1. Certified Forester® Standards of Professional Practice

Every Certified Forester® (CF) and applicant for Certified Forester status agrees to:

1. Make every effort to periodically review and follow all applicable state and federal regulations governing environmental quality and, specifically, the stewardship and management of forest resources;
2. Make every effort to recognize and inform prospective clients or employers of the responsibility to conserve forest resources and to maintain environmental quality in management recommendations;
3. Refrain from providing a professional opinion or recommendation for an area of expertise for which the individual is not qualified by either academic preparation or experience and to refer clients or employers to other natural resource professionals when the expertise of such individuals shall best serve the interests of the public, the forestry profession, and the client/employer;
4. Use only truthful and not misleading statements in any advertising or statement of qualifications;
5. Refrain from misrepresenting CF certification, or one's individual CF status, including the misuse of application status, trademark, certificate, or other related credentials;
6. Refrain from any misrepresentation on an application; willful submission of incorrect information in recertification; or failure to include relevant information in any communication to the Certification Review Board (CRB) or SAF National Office; and to
7. Pay all required fees, as set forth in Certification Requirements.

Further, every CF and CF applicant agrees that violation of the standards listed above may be a basis for adverse action, including denial or revocation of certification or recertification, in accordance with Certification Review Board (CRB) Administrative Rules, and that:

8. Certification may be suspended, and may be revoked pending review by the CRB, following final action resulting in revocation or suspension of a CF's state forestry registration or licensing credential, or related professional credential or professional membership;
9. A conviction of, plea of guilty to, or plea of nolo contendere to a felony related to forestry practices or to public health or welfare or misdemeanor that relates directly to forestry practices, is grounds for denial, revocation, or suspension of certification; and that
10. The CF shall report any revocation, suspension, conviction, or plea as described above to SAF within thirty (30) days of the final action. An individual convicted of such a felony or misdemeanor may be ineligible to apply for certification or recertification for a period of three (3) years from the exhaustion of appeals, probation, parole, or final release from confinement (if any) whichever is later.

Adopted by the Council of the Society of American Foresters in 1994. Document revised April 2003 and September 2005.

Source: SAF Certified Foresters website at ([www.SAFnet.org](http://www.SAFnet.org)) May. 4, 2012

# REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

## Appendix 2. State Forester Licensing and Registration Programs

State	Education	AND/OR	Experience	Internship	Application fee	License fee	Exam fee*	Comments
AL	XXX	and	XXX	Repealed 2008	\$50.00	\$100.00	\$100.00	***
AR	XXX	or	XXX	No	\$10.00	\$30.00	\$30.00	
CA	XXX	and	XXX	Apprenticeship for those lacking sufficient experience.			\$200.00	*** Education can be substituted for some of required experience.
CT	No		No	No		\$231.00	\$60.00	Called "certification." Four year license
GA				No	\$20.00	\$80.00	\$325.00	***
MA	XXX	and	XXX	No		\$100.00		
MD	XXX	and	XXX	No	\$45.00	\$100.00		
ME	XXX	and	XXX	Yes	\$51.00	\$70.00	\$325.00	Application fee includes \$21 for criminal background check.
MI	XXX	and	XXX	No	\$90.00	\$80.00		Law says education OR experience; board website says AND. Also offer a two-year option at higher cost.
MS	XXX			No	\$50.00	\$40.00	Included in application fee	
NC	XXX	or	XXX	No	\$50.00	\$40.00	Included in application fee	***
NH	XXX	or	XXX	No	\$60.00	\$60.00	\$100.00	
SC	XXX	or	XXX	No	\$50.00	\$130.00	\$325.00	Two year license
WV	XXX	and	XXX	No	\$50.00	\$25.00		***

\*\*\*: Called "registration" but is licensing in practice.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

### Appendix 3. State experience requirements for forester licensing

**Alabama:** Have a specific record of two years or more of experience in the practice of forestry of a nature satisfactory to the board and indicating that the applicant is competent to practice forestry.

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**Arkansas:** Required if applicant has not graduated from SAF-accredited school with 4-year degree. Otherwise:

- A bachelor's or advanced degree in forestry from a college or university program not accredited by SAF and, subject to graduation, three (3) years or more experience in forestry work of a nature satisfactory to the board.
- A bachelor's degree in a natural resources-related field from a college or university program, including, but not limited to, wildlife management, with at least twenty (20) semester hours of forestry courses approved by the board and, subsequent to graduation, three (3) years' or more experience in forestry work of a nature satisfactory to the board.
- A bachelor's degree not related to natural resources from a college or university program and, subsequent to graduation, six (6) years' or more experience in forestry work of a nature satisfactory to the board.
- A two-year associate's degree in forestry from a community college or junior college and, subsequent to graduation, six (6) years' or more experience in forestry work of a nature satisfactory to the board.

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**California:** Furnish evidence of having seven years of experience in forestry work. Possession of degree of Bachelor of Science, or equivalent degree as determined by the board, with a major in forestry, shall be deemed equivalent to four years of experience in the actual practice of forestry work. At least three of the seven years of experience shall include having charge of forestry work, or forestry work under the supervision of a person registered, or qualified for, but exempt from registration under the provision of this article. Work completed prior to July 1, 1973, shall qualify if it was under the supervision of a qualified forester, as defined in Section 754. The award of a Master of Forestry degree shall be acceptable as evidence of one year of such qualifying experience.

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**Massachusetts:** Experience requirements vary according to educational attainment:

- Successful completion of a Bachelors of Science degree from a SAF-accredited professional forestry degree program, or a program approved by the Director of State Parks ... plus three years of forestry work experience of a character that prepared the applicant to practice forestry competently. At least two of the three years of work experience must be experience of a professional nature, and up to one year may be work experience of a technical nature provided that not less than one year of work of a professional or technical nature must occur within the three years preceding the date of license application
- Successful completion of a Masters degree (MS or MF) in forestry or related post-baccalaureate degree plus three years of forestry work experience of a character that prepared the applicant to practice forestry competently. At least two of the three years of work experience must be experience of a professional nature, and up to one

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

year may be work experience of a technical nature provided that not less than one year of work of a professional or technical nature must occur within the three years preceding the date of license application.

- Successful completion of an Associates degree in a SAF-recognized technical forestry education program, or a technical forestry education program approved by the Director, plus five years of forestry work experience of a character that has prepared the applicant to practice forestry competently. At least four of the five years of work experience must be experience of a professional nature, and up to one year may be work experience of a technical nature provided that not less than one year of work of a professional or technical nature must occur within the three years preceding the date of license application.
- Any additional forestry or natural resource management education at an accredited institution beyond the minimum requirements may count for no more than one year of work experience.

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Maryland: must demonstrate competence in the practice of forestry by showing at least two years of experience in forestry.

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Michigan: An applicant for registration must provide documentation of not less than 2 years of experience in professional forestry work by way of 3 Experience Verification Forms from professional foresters who can attest to the applicant's experience.

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North Carolina: applicants for registration must obtain "2 or more years of experience in forestry." Also, Administrative Rule requires "professional work experience in forestry," which is limited to post-graduation work experience. When determining acceptable work experience, the North Carolina Board of Registration for Foresters, using the definitions in the law, concluded that the experience should be related to working in or with the forest and the trees, and it should encompass three main characteristics: professional, comprehensive, and integrative. Professionals are highly educated and very knowledgeable in their profession. This level of knowledge is obtained through higher learning and/or extensive experience. A forester must, therefore, apply this professional knowledge in a comprehensive and integrative manner.

The Board recognizes the high diversity of work accomplished by foresters and understands that it includes a combination of professional and technical skills. Therefore, work experience acceptable to the Board for registration purposes reflects this diversity, and many different types of employment are suitable. However, the majority of the work should be at the professional level, and exhibit the broad, comprehensive science of forestry and the integrative nature of this profession. It should be at a level or type sufficiently rigorous to require a 4-year college education in forest management. All duties of employment need not reach this level, but they should comprise the majority.

Acceptable work experience includes but is not limited to: writing forest management plans, developing prescribed burn plans, preparing timber harvesting & road building plans, conducting surveys for endangered and protected species, developing control strategies for forest insects or disease infestations, conducting forestry research and publishing results, and other similar tasks that require a higher level of knowledge and experience. Teaching a course or workshop at the community college level or higher is also acceptable experience. Supervising employees who accomplish these same tasks is also satisfactory work experience.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

Although many other examples are possible, when any of the following tasks dominate the work experience of the candidate, the employment is unacceptable as professional forestry work experience: operating a skidder or other heavy equipment, marking timber, felling or bucking trees, seeding roads and hillsides, application of pesticides, logging site inspections, prescribed burning, removing lumber from a green chain, planting trees, wetland delineation, right-of-way maintenance, and driving a log truck.

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### New Hampshire:

(a) Experience in the practice of forestry shall be of a grade and character that indicates to the board that the applicant is competent to practice as a forester. If experience is claimed under Fors 302.02, an affidavit stating the dates of said employment, the types of work performed and the names and address of employers shall be provided.

(b) Experience shall be determined as follows:

(1) Applicants possessing a 4-year forestry degree shall have 2 years satisfactory experience which is equivalent to 4000 hours within not less than 24 months and not more than 60 months of the date of application.

(2) Applicants possessing a 2-year forestry degree shall have 4 years satisfactory experience which is equivalent to 8000 hours within not less than 48 months and not more than 72 months of date of application.

(3) Applicants possessing a 4-year degree in a related field shall have 4 years satisfactory experience which is equivalent to 8000 hours within not less than 48 months and not more than 72 months of the date of application.

(4) Applicants possessing a 2-year degree in a related field shall have 6 years satisfactory experience which is equivalent to 12000 hours within not less than 72 months and not more than 120 months preceding the date of application.

(5) Applicants possessing no forestry or related degree shall have 8 years satisfactory experience which is equivalent to 16000 hours within the 10-year period preceding the date of application.

(c) Experience shall be gained under the supervision of a licensed forester or if not, written explanation shall be included with the application describing why the experience should be considered satisfactory to the board.

(d) Experience not gained under the direction of a licensed forester shall be considered satisfactory by the board if:

(1) Experience in the practice of forestry was earned in accordance with Fors 302.02 (f) (1), (2) and (3);

(2) Experience in the practice of forestry was earned without violating Fors 501.03; and

(3) The candidate shall have committed no misconduct pursuant to RSA 310-A: 112.

(e) Failure of candidates whose experience is not gained under the direction of a licensed forester to meet the experience requirements of Fors 302.02 (f) (1), (2) and (3) shall, after notice and opportunity for a hearing, result in denial of the application.

(f) Experience in the practice of forestry shall be determined pursuant to RSA 310-A: 104 as follows:



18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

(1) A minimum of 50% of required experience shall demonstrate competency in all of the following core areas:

- a. Preparation of comprehensive forest management plans;
- b. Land use and forest type mapping;
- c. Development and implementation of silvicultural prescriptions which means a planned series of treatments designed to change current stand structure to one that meets management goals;
- d. Timber cruise and inventory;
- e. Boundary line location and maintenance pursuant to RSA 310-A: 54, IV;
- f. Timber harvesting supervision;
- g. Marketing of timber products;
- h. Timber sale administration;
- i. Road and harvest layout; and
- j. Knowledge of New Hampshire forestry laws;

(2) In addition to experience in core areas required per Fors 302.02 (f) (1), satisfactory experience shall be in one or more of the following areas:

- a. Land surveying;
- b. Wildlife management;
- c. Natural resource research or education;
- d. Timber stand improvement;
- e. Logging;
- f. Timber law enforcement;
- g. Log scaling;
- h. Saw milling;
- i. Forest fire control;
- j. Soil science pursuant to RSA 310: A-76, II;
- k. Arboriculture;
- l. Urban forestry;
- m. Land use planning;
- n. Conservation biology;
- o. Wetland delineation pursuant to RSA 310-A: 76, II-a or;
- p. Wood procurement.

(3) Applicants who do not meet the experience required pursuant to Fors 302.02 (f) (1) and (2), shall demonstrate experience and competency in specialty areas such as:

- a. Timberland appraisal;
- b. Teaching of forestry at a college or university level;

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

- c. Teaching natural resource science at a college or university level;
- d. Public extension forestry and natural resource education work, or
- e. Forest policy in a governmental or management position.

(g) Experience shall be in accordance with the rules of professional conduct set forth in Fors 501. Conduct proscribed by the rules of professional conduct, when performed by an unlicensed person or during a prior period of licensure, shall be a basis for denying a license application or issuing a restricted license.

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South Carolina: Graduation from a curriculum in forestry of four or more years in a school approved by the Board and two years experience. Or, six years experience working under a registered Forester.

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West Virginia: Requirements to be licensed and registered as a professional forester the applicant shall have (1) a bachelor's degree in forestry from a four (4) year school, college or university or a master's degree program from a college or university, accredited by SAF and at least two (2) years of full-time equivalent work experience as a professional forester within ten (10) years preceding the date of filing an application for registration; or (2) an associate's degree from a two (2) year technical forestry program recognized by SAF plus a bachelor's degree in another natural science or business and at least four (4) years of full-time equivalent work experience in the field of forestry acceptable to the board within the ten (10) years preceding the date of filing an application for registration.

18 December 2012

## REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

### Appendix 4. Noteworthy law and rule changes impacting state of Maine forester regulation, 1975-2006<sup>19</sup>

#### YEAR SUMMARY OF CHANGE IN LAW AND/OR RULES

- 1975 Initial Forester licensing law enacted creating the Board of Registration for Professional Foresters. "Forestry" and "The Practice of forestry", and qualifications defined in statute. Bylaws and procedures were established for Board governance. The law was quickly amended to clarify that certain employees and landowners were exempt from licensing.
- 1978 Board conforms to State of Maine Administrative Procedures Act setting forth license review, revocation, disciplinary action, and administrative and civil appeal procedures. Board adopts rules.
- 1979 Law removes license exemption status for certain landowners, employees, and persons and clarifies federal employee status. Also clarifies that the Board does not have power to create rules on forest practices, and further defines educational and licensure requirements. Additional legislation further defines new rule making and bylaw authorities.
- 1983 Qualified forestry technician experience is granted as a substitute for experience for applicants.
- 1985 Legislation further addresses Board powers and responsibilities relating to refusals to issue licenses, licensee complaint investigations, disciplinary actions, and administrative processes and appeals.
- 1987 Symbolic and more substantive regulation changes are made to Department of Professional and Financial Regulation statutes to institute professional licensing and discontinue registrations. The title and reference to Registered Professional Forester is changed to Licensed Professional Forester. The law also requires foresters to include their license number on any plans, maps, and reports issued.
- 1989 Significant changes to forester licensing occurs with the creation of new forester educational requirements, establishment of internship requirements beginning January 1, 1990, and written examination requirements beginning January 1, 1991.
- 1991 Legislation creates new forester requirements relative to forest management and harvesting plans, and qualifies certain activities as Class E crimes.
- 1993 Legislature creates provisions to allow Forester licensure reciprocity with other states, and provides guidance for standards and procedures.
- 1994 Legislation pertaining to continuing education requirements, standards, and audit provisions is enacted.
- 1996 Board rules amended including changes to continuing education and disclosures on maps or property descriptions prepared by foresters stating that they are not a legal survey.
- 2001 Significant changes to Forester statutes and rules occur following lengthy public hearings, Legislative hearings, amendments to original legislation, and rule making procedures. Inconsistencies between statutes and rules were eliminated. The Board name is changed to Board of Licensure of Foresters within DPFR. Intern Forester is defined and mandatory internship established, thereby eliminating numerous requests for internship waiver based on experience. Substantive rule changes are approved for

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<sup>19</sup> Holt, S. 2006. op. cit.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

educational variances and registration to supervise unlicensed individuals. Changes are also made to educational requirement for Forester and Intern Forester applicants and continuing education requirements.

Index of rules and rule changes, state of Maine forester regulation, 1975-2006

### YEAR SIGNIFICANT RULE CREATION OR AMENDMENTS

- 1976 Original rules created including code of ethics.
- 1978 Original rules further developed for clarity and omissions.
- 1983 Amendment to Chapter 4 re: forest technician experience.
- 1987 Comprehensive conformity rule revisions.
- 1988 New Rules to support internship and clarify existing rules.
- 1990 Establishment of new Board rules.
- 1991 Technical amendments to 1990 Board rules.
- 1994 Technical amendments to 1990 Board rules.
- 1996 Amendments to clarify definitions and qualifications.
- 2000 Department rules enacted regarding fees and other administration.
- 2001 Substantial revisions and additions to Board rules to reflect significant statutory changes.
- 2002 Major substantive rules implemented involving education variances and registration to supervise unlicensed individuals.

Source: Compiled by author from State of Maine Legislature Law Library and Secretary of State references, and Board of Licensure of Foresters files and Board meeting minutes located at Board offices, Office of Licensing and Registration, Department of Financial and Professional Regulation, Gardiner, Maine on February 2, 2006 and subsequent occasions.

Disclaimer: The above index is presented for illustrative purposes only. It is not intended to be an official or complete record and the author (Holt) does not represent it as such.

18 December 2012

## REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

Appendix 5. University of Maine School of Forest Resources learning objectives and outcomes for forestry majors.

Proposed Revisions of Undergraduate Curricula  
March 9, 2011

### Learning Objectives and Outcomes for Forestry Majors:

The goal of the Forestry program is to produce professional foresters with outstanding scientific knowledge, practical field and technical skills, strong communication abilities and a strong stewardship ethic needed to sustainably manage private and public forestlands for wood products, recreational opportunities, biological diversity, water, and other ecosystem services. Graduates of the program will be sought by consulting, private and public forestland management organizations to monitor and manage diverse forestland. This professional degree will continue to be accredited by the Society of American Foresters (SAF).

### Learning Objectives

Students graduating from the Forestry program will be effective and ethical stewards of forests for all resources, including trees, biological diversity, water, and recreation by being able to:

1. Think, write, and speak effectively about the complexities and tradeoffs associated with responsible stewardship of forest resources.
2. Utilize quantitative and qualitative methods for resource analysis and problem solving.
3. Integrate knowledge of basic biology, physical sciences, forest and wildlife ecology, and social sciences into the stewardship of forest resources.
4. Apply knowledge of and techniques from forest measurement, geomatics, silviculture, forest economics, forest operations, forest bioproducts, and forest policy to develop and evaluate alternatives for managing forest resources.
5. Choose and employ appropriate concepts, models, and effective techniques to produce and analyze forest resource plans, from woodlots to landscapes, which consider multiple competing objectives.

18 December 2012

## REVIEW OF FORESTER LICENSING

Prepared by Maine Forest Service staff

### Learning Outcomes

At the end of the program, graduates will be able to do the following:

With respect to biological sciences, Forestry graduates will be able to:

1. Interpret and explain the components, patterns, and processes of biological and ecological systems across spatial and temporal scales.
2. Explain basic concepts of molecular biology, cells, and organisms.

With respect to physical sciences, mathematics, and computers, Forestry graduates will be able to:

3. Understand physical and chemical properties, measurements, and states of matter.
4. Apply basic approaches and applications of mathematics, linear programming, and statistics for analysis and problem solving.
5. Use computers and other technologies for communication, measurement, analysis, and problem solving.

With respect to social sciences and humanities, Forestry graduates will be able to:

6. Evaluate moral and ethical questions by using critical reasoning skills.
7. Understand social and economic structures, processes, and institutions across a broad range of human experience and culture.

With respect to communications, Forestry graduates will be able to:

8. Prepare and deliver effective oral presentations.
9. Comprehend and critically evaluate information presented in a variety of communication styles. (Recommended for addition to program)
10. Prepare reports, articles, and essays to effectively communicate to both technical and general audiences.

With respect to forest measurements, Forestry graduates will be able to:

11. Identify and measure land areas and conduct spatial analysis.
12. Design and implement comprehensive and appropriate forest resource inventories.
13. Analyze forest inventory information and project future forest, stand, and tree conditions.

With respect to forest ecology, Forestry graduates will be able to:

14. Identify forest and other tree species, their distribution, and associated vegetation.
15. Understand how concepts of Conservation Biology influence forest management and biodiversity
16. Understand soil properties and processes, hydrology, water quality, and watershed functions.
17. Explain ecological concepts and principles for forests.
18. Master concepts in tree biology.
19. Master concepts in tree pests and diseases, and use them to evaluating tree and forest health/productivity.
20. Make stand, forest, and ecosystem assessments.

With respect to forest management, Forestry graduates will be able to:

18 December 2012

## REVIEW OF FORESTER LICENSING Prepared by Maine Forest Service staff

- 21. Develop and apply silvicultural prescriptions appropriate to management objectives.
- 22. Recognize various harvesting, transportation, and processing systems used in the management of forest resources and production of forest products. (Recommended for addition to program)
- 23. Describe fundamental processes for the production of bioproducts and bioenergy including traditional wood and timber production, composite products, biorefineries, and biomass energy operations. (Recommended for addition to program)
- 24. Conduct life cycle assessments of biomass, bioproduct, and bioenergy production systems.
- 25. Develop and evaluate management plans with multiple objectives and constraints.

With respect to forest economics, Forestry graduates will be able to:

- 26. Understand how resource conditions and social demands interact under various market and non-market structures to influence the valuation and availability of forest-related goods and services.
- 27. Understand how the existence of market externalities, ecosystem services, and non-market goods and services affect forestry decisions and resource conditions.
- 28. Understand how mathematical programming techniques and regional impact analyses can be used in forestry decision making. (Recommended for addition to program)
- 29. Understand market forces from an international perspective (Recommended for addition to program)
- 30. Know the structure of the basic market segments (paper, lumber, etc.) and the role of the major corporations within the segments.
- 31. Understand and be able to analyze a balance sheet, a cash flow statement and an income statement.

With respect to forest policy and administration, Forestry graduates will be able to:

- 32. Understand forest policy in the US and abroad, including historical contexts and the processes by which it is developed
- 33. Recognize how federal, state, and local laws and regulations govern the practice of forestry and forest operations.
- 34. Understand the development of professional codes of ethics, demonstrate professional and ethical behavior, and be well-versed in the code associated with your profession.
- 35. Understand how different ownerships and administrative structures affect forest use and management (Recommended for addition to program)
- 36. Understand the history and development of professions and professional societies in forest-related fields. (Recommended for addition to program)
- 37. Demonstrate an understanding of organizational structure, lines of authority, and the skills needed to serve as an effective member of a team or organization. (Recommended for addition to program)
- 38. Demonstrate an understanding of and commitment to professional development and life-long learning.

18 December 2012

**REVIEW OF FORESTER LICENSING**  
Prepared by Maine Forest Service staff

**Appendix 6. Resolve 130, Resolve, To Streamline Forester Licensing Requirements**

Sec. 1. Streamlining of forester licensing requirements. Resolved: That the Department of Professional and Financial Regulation, Board of Licensure of Foresters, referred to in this resolve as "the board," and the Department of Conservation, Maine Forest Service shall examine the licensing requirements for foresters as specified in the Maine Revised Statutes, Title 32, chapter 76 for the purpose of streamlining forester licensing requirements. In performing this examination, the board and the Maine Forest Service shall develop recommendations that:

1. Simplify the education, testing and experience requirements for obtaining a license as a forester; and
2. Allow a person who meets specified experience levels and demonstrates knowledge of forestry law to be exempt from the education requirements of Title 32, section 5514, subsection 2.

The board shall submit the recommendations and implementing legislation to the joint standing committee of the Legislature having jurisdiction over forestry matters no later than December 18, 2012 for consideration by the 126th Legislature. The joint standing committee may report out a bill regarding the simplified process.



**Proposed Implementing Legislation Submitted with Report**  
**January 2013**

**Maine Revised Statute Title 32, Chapter 76: FORESTER LICENSING**

Subchapter 1: GENERAL PROVISIONS HEADING: PL 2001, C. 261, §4 (NEW)

**32 §5501. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Board of Licensure of Foresters.
2. Department. "Department" means the Department of Professional and Financial Regulation.
3. Forester. "Forester" means a person licensed under this chapter to practice forestry.

4. Forestry. "Forestry" means services relating to forestry requiring the application of forestry principles and techniques. The services include, but are not limited to, investigations, consultations, timber inventory, development of forest management plans, responsible supervision of forest management, forest utilization, appraisal of severed or unsevered timber, forest economics or other forestry activities as carried out in connection with any public or private lands. "Forestry" does not include services for the physical implementation of cutting, hauling, handling or processing of forest products or for the physical implementation of timber stand improvements or other silvicultural activities or measuring or scaling activities performed by persons licensed under Title 10, section 2365-A.

5. Intern forester. "Intern forester" means a person licensed under this chapter to practice forestry under the sponsorship of a forester.

6. Person. "Person" means an individual.

7. Sponsor. "Sponsor" means a forester who is responsible for overseeing the activities of an intern forester.

8. Supervisor. "Supervisor" means a forester who is responsible for the activities of an unlicensed person providing services under the direction of the forester.

**32 §5502. LICENSE REQUIRED**

Except as provided in section 5503, it is unlawful for a person to practice forestry or advertise or offer to practice forestry without a license issued under this chapter.

**32 §5503. EXEMPTIONS TO LICENSING**

A license is not required for forestry activities conducted by:

1. Forestry instructional and educational institutions. A forestry instructional and educational institution approved by the Commissioner of Education pursuant to the laws of the State or a program of education at an institution licensed or approved by the State to grant a bachelor's or higher degree;
2. Federal Government employee. Federal Government employees conducting forestry practices

within the scope of their employment.

3. **Person registered and practicing forestry.** A person registered and practicing forestry under the supervision of a forester as set forth by section 5515, subsection 10, paragraph B; or

4. **Owner.** An owner managing or otherwise conducting forestry practices on that owner's land.

## **32 §5504. PENALTIES; INJUNCTION**

1. **Unlicensed practice.** A person who violates section 5502 is subject to the provisions of Title 10, section 8003-C.

2. **Endorsement.** It is a Class B crime for a forester or intern forester to endorse any plan, map or report other than a forest management and harvest plan as defined in Title 36, section 573, subsection 3-A, unless that forester or intern forester prepared or was in charge of the preparation of the map, plan or report.

## **Subchapter 2: BOARD OF LICENSURE OF FORESTERS HEADING: PL 2001, C. 261, §4 (NEW)**

## **32 §5505. BOARD; ORGANIZATION**

1. **Establishment; purpose.** The Board of Licensure of Foresters, as established within the department pursuant to Title 5, section 12004-A, subsection 17, administers the provisions of this chapter to protect the public by improving the standards relative to the practice of forestry, to protect the public from unqualified practitioners and to help ensure the proper management of the forest resources of the State.

2. **Members.** The board consists of 6 members appointed by the Governor. Each member must be a resident of this State. The board consists of:

A. One public member as defined in Title 5, section 12004-A; and

B. Five foresters who hold valid licenses.

3. **Terms; removal.** Terms of the members of the board are for 3 years. Appointments of members must comply with Title 10, section 8009. Members may be removed by the Governor for cause.

4. **Meetings; chair; quorum.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum.

5. **Election of officers.**

## **32 §5506. RULES**

The board may establish guidelines and rules by which this chapter is administered. Except where otherwise indicated, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

1. **Education.** The board may adopt rules to be applied in determining whether educational programs meet the licensure qualifications under this chapter.

2. **License qualifications.** The board may adopt rules relating to the qualifications of an applicant for a

license authorized under this chapter that ensure that an applicant is sufficiently trustworthy and competent to practice forestry.

3. **Standards of practice.** The board may adopt rules consistent with the standards set forth in this chapter governing the practice of forestry in order to establish standards of practice that serve the public interest. The board may not adopt rules that govern forestry practices.

4. **Other.** The board may adopt and enforce other rules that are necessary for the performance of its duties under this chapter.

### **32 §5507. FEES**

The Director of the Office of Professional and Occupational Regulation, pursuant to Title 10, section 8003, subsection 2-A, paragraph D, may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for a purpose may not exceed \$100 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### **32 §5508. DUTIES AND POWERS**

The board shall administer and enforce this chapter and evaluate the qualifications of applicants for licensure.

### **32 §5509. GROUNDS FOR DISCIPLINARY ACTION**

*(REPEALED)*

#### **32 §5509-A. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

1. **Aiding or abetting.** Aiding or abetting a person in conduct that constitutes a violation of this chapter;
2. **Lack of trustworthiness.** A lack of trustworthiness and competence on the part of the applicant or licensee to conduct forestry practices in a manner that safeguards the interests of the public;
3. **Suspension or revocation of license.** Suspension or revocation of a professional or occupational license for disciplinary reasons or rejection of an application for reasons related to untrustworthiness within 3 years prior to the date of application; or
4. **Failure to meet professional qualifications; failure to submit complete application.** Failure to meet the professional qualifications for licensure as provided in this subchapter or failure to submit a complete application within 30 days after being notified of the materials needed to complete the application.

Subchapter 3: LICENSING QUALIFICATIONS HEADING: PL 2001, C. 261, §4  
(NEW)

## 32 §5510. GENERAL QUALIFICATIONS

1. **Application.** The applicant shall submit an application together with the fee as set under section 5507.

2. **Criminal history information.**

## 32 §5511. LICENSE LIMITED TO PERSONS

A license issued under this subchapter may only be issued to a person, and licensure must be determined based on individual and personal qualifications. A firm, company, partnership, limited liability company or corporation may not be licensed under this chapter.

## 32 §5512. CHANGES

*(REPEALED)*

## 32 §5513. DENIAL OF LICENSE

*(REPEALED)*

## 32 §5514. INTERN FORESTER

1. **Scope of practice.** An intern forester license entitles the holder to perform forestry practices under the sponsorship of a forester.

2. **Professional qualifications.** Each applicant for an intern forester license shall submit evidence of an associate's degree or a bachelor's degree from a curriculum in forestry or of graduation from a postgraduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the board ~~pursuant to rules adopted by the board~~. The board may grant a variance to an applicant who does not hold a degree pursuant to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. **Filing with board.** The requirements for licensure as an intern forester are as follows.

A. The internship may not commence until after the applicant has met the professional qualification requirements of subsection 2.

B. Applicants shall apply to and be approved by the board for internship prior to beginning their internship.

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

4. **Continuing education required.** As a prerequisite to renewal of an intern forester license, the applicant must complete continuing education as set forth by rules adopted by the board.

5. **Renewal.** Licenses expire annually on December 31st or on a date the commissioner determines. The board shall issue a renewal license, subject to the limitations set forth in subsection 6, upon receipt of the written request for renewal, the renewal fee as set under section 5507 and evidence of satisfactory completion of continuing education as set forth in subsection 4. Licenses may be renewed up to 90 days after the date of

expiration upon payment of a late fee as set under section 5507 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license has expired is required to pay an additional late fee as set under section 5507 in addition to the 90-day late fee and renewal fee.

6. **Limited license term.** Intern forester licenses may only be renewed for 5 annual terms. If after the 5th annual renewal term the intern forester has not qualified for licensure as a forester, the intern forester may reapply to recommence the internship process, but may not receive any credit towards completion of the new internship for work performed during the prior internship.

7. **Endorsement of documents.** Plans, maps and reports issued by the intern forester must be endorsed with the intern forester's name and license number during the life of the intern forester's license. By endorsing a document, the intern forester is representing that the document has been reviewed by the sponsor.

## **32 §5515. FORESTER**

1. **Scope of practice.** A forester license entitles the holder to engage in the practice of forestry.

2. **Professional qualification.** The applicant must demonstrate compliance with the professional qualifications as set forth in section 5514, subsection 2.

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

A. An applicant with an associate's degree or no degree shall demonstrate 48 months of forestry experience as an intern forester ~~satisfactory to the board pursuant to rules adopted by the board.~~ An applicant with an associate's degree may earn up to 12 months of forestry experience prior to the issuance of an intern forester license provided the forestry experience is obtained after the first year of the degree program; prior to graduation and complies with subsection 10 (B.) Applicants must complete the 48 months within 6 calendar years prior to application. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. An applicant with a bachelor's degree or higher shall demonstrate 24 months of forestry experience board as an intern forester ~~satisfactory to the board pursuant to rules adopted by the board.~~ An applicant with a bachelor's degree or higher may earn up to 12 months of forestry experience prior to the issuance of an intern forester license provided the forestry experience is obtained after the junior year of the degree program; prior to graduation and complies with subsection 10 (B.) Applicants must complete the 24 months within 6 calendar years prior to application. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

5. **Exemption to internship; professional practice in another jurisdiction.** Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of lawful prior professional forestry practice in another jurisdiction within the 6-year period prior to application pursuant to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A., as long as the practice is determined by the board to be substantially equivalent to the successful completion of forestry internship under subsection 3.

5-A. Exemption to internship; professional practice as a federal employee. Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of prior professional forestry practice as an employee of the United States

Department of Agriculture within the 6-year period prior to application satisfactory to the board pursuant to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Examination. Each applicant for a forester license shall submit an application and examination fee as set under section 5507 and successfully pass an examination approved by the board designed to test an individual's knowledge to engage in the practice of forestry. ~~Applicants must meet all other qualifications for licensure prior to taking the examination.~~ An applicant with a degree in forestry from a school or college approved by the board pursuant to rules adopted by the board may take the examination prior to meeting all of the qualifications for licensure. An applicant without such a degree in forestry must meet all other qualifications for licensure prior to taking the examination. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

7. Continuing education required. As a prerequisite to renewal of a forester license, applicants must complete continuing education as set forth by rules adopted by the board.

8. Renewal. Licenses expire annually on December 31st or on a date the commissioner determines. The board shall issue a renewal license upon receipt of the written request for renewal, the renewal fee as set under section 5507 and evidence of satisfactory completion of continuing education as set forth in subsection 7. Licenses may be renewed up to 90 days after expiration upon payment of a late fee as set under section 5507 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion and giving due consideration to the protection of the public, waive examination and internship if the renewal application is within 2 years from the date of expiration for those applicants who demonstrate compliance with subsection 7 and upon payment of an additional late fee as set under section 5507 in addition to the 90-day late fee and renewal fee.

9. Endorsement of documents. Plans, maps and reports issued by the forester must be endorsed with the forester's name and license number during the life of the forester's license.

10. Sponsor; supervisor. A forester:

A. May act as a sponsor for an intern forester pursuant to the requirements of section 5514 and rules adopted by the board; and

B. Must register with the board to supervise the activities of an unlicensed person pursuant to rules adopted by the board.

Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## **32 §5516. NONRESIDENTS; APPLICANTS LICENSED IN ANOTHER JURISDICTION**

~~1. Reciprocal agreements. The board may enter into reciprocal agreements with other jurisdictions that have substantially equivalent licensure laws and accord substantially equal reciprocal rights to residents licensed in good standing in this State.~~

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

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

B. An applicant who is licensed in good standing under the laws of a jurisdiction that has not entered into

~~a reciprocal agreement with the board may qualify for licensure by submitting evidence satisfactory to the board that the applicant has met all of the qualifications for licensure equivalent to those set forth by this subchapter for that level of licensure pursuant to rules adopted by the board, including, but not limited to, passing the examination as required by section 5515, subsection 6. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

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

Transition provisions.

All existing rules and procedures in effect, in operation or adopted by the Board of Licensure of Foresters or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the proper authority.

Intern forester licenses issued prior to the effective date of this provision are required to meet the qualifications for a forester license in effect at the time of the issuance of the intern forester license.

Effective June 1, 2014