

## Office of Policy and Legal Analysis

Date: February 10, 2021

To: Joint Standing Committee on Innovation, Development, Economic Advancement and Business

From: Rachel Olson, Legislative Analyst

Re: LD 11 *An Act To Clarify the Laws Regarding Reciprocity for Licensure of Professional Engineers* (Pouliot)

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### Bill Summary

This bill allows the State Board of Licensure for Professional Engineers to grant licensure to applicants who have been licensed in good standing in another jurisdiction with substantially equivalent qualifications to this State if the applicant has been licensed for at least 8 years and has never been subject to disciplinary action.

### Summary of Testimony ([Link to Testimony](#))

#### Proponents

- Correct unintended consequences of prior legislation and to remove barriers to professional engineering licensure for licensed Professional Engineers (PE) coming to ME.
- Legislation enacted in 2005 increased licensure mobility for ME PEs.
- Individuals licensed under alternate pathways prior to 2005 permitted to practice as long as license is active.
- Legislation enacted in 2013 designed to establish equivalent licensure for PEs coming into ME, but did not grandfather alternate licensure pathways for those individuals – unintentionally denying licensure to some PEs from other states.
- Unintended consequence of 2013 legislation - otherwise qualified PEs who have been practicing for years in other states denied licensure because they did not take the NCEES FE Exam when they graduated or because they obtained a two-year degree (requirements that were permissible in home state and in Maine at the time they were initially licensed).
- Gives Board flexibility to license qualified PEs.
- Board is currently using a work around in the form of hearings, held a half dozen or so in the last year.
- ME employers struggling to fill key roles, especially engineers. Often have to look outside of the state, but many who might be a fit cannot be licensed in ME because of the

#### Opponents

- None

#### Neither For Nor Against

- None

requirement to have taken the NCEES FE Exam, even if they hold MA or Ph.D. This bill helps to open up that pathway, makes it easier for ME employers to recruit engineers.

- Will have a positive impact on the complex issues facing foreign-trained engineers, although it doesn't specifically address the issue.
- NCEES FE Exam can be very difficult to pass if taken many years after formal schooling.

### **Potential Issues or Technical Problems:**

None identified

### **Information Requests:**

1. *Are there any nuances about working as a Professional Engineer in Maine that are different from other states? Are there any Maine specific areas of expertise that one would need to know to practice here?*

As David Jackson, Executive Director for the State Board of Licensure for Professional Engineers stated during the public hearing, generally the areas of expertise and knowledge needed are the same across the United States and are based on model laws and rules put forth by the National Council of Examiners for Engineering and Surveying (NCEES), whose council is made up of the engineering and surveying licensing boards from across the United States. States do have some variations from the national standards. For example, Maine has a pathway to licensure for individuals with related science degrees (§1352-A (1)(E)).

2. *Have there been attempts since 2013 to resolve this?*

Yes, [LD 1165 from the 128<sup>th</sup> 1R](#). LD 1165 was a larger package addressing many sections related to licensing of engineers. The current LD is based on Sec. 8 of LD 1165 (Sec. 8 starts on p. 2, line 41) and is almost exactly the same. The only substantive change between Sec. 8 of LD 1165 and LD 11 is to lower the requirement to 8 years from 10 years. LD 1165 was voted ONTP.

3. *Is the 8-year period as a licensed PE used in other states?*

The bill appears to be modeled on Idaho law, which uses the 8-year period. [Idaho Statute \(Title 54, Chapter 12 Engineers and Surveyors 54-1219\)](#)

4. *Are there other bills coming that may relate to helping foreign trained individuals be licensed in this state more easily?*

LRs related to this topic/foreign credentialing that may be referenced to the IDEA committee based on the 130<sup>th</sup> 1<sup>st</sup> Regular List of Pre-cloture Legislator and Department/Agency Bills:

- LR 1095 An Act To Expand and Strengthen ME's Workforce by Awarding Grants To Create Industry-specific English Language Acquisition and Workforce Training Programs and to Expand English Language Acquisition Instruction
- LR 147 An Act To Facilitate Licensure for Credentialed Individuals from Other Jurisdictions

- LR 511 An Act To Recognize Occupational Licenses from Other States
- LR 669 An Act To Allow Reciprocity for Licensed Workers from Out of State

[David Jackson sent this memo on February 10<sup>th</sup> as a follow up to this question.](#)

**Fiscal Impact:**

According to the preliminary impact statement: Fiscal note not required

Minor cost increase – Other Special Revenue Funds

Minor revenue increase – Other Special Revenue Funds

Additional costs to the State Board of Licensure for Professional Engineers, affiliated with the Department of Professional and Financial Regulation, to implement the requirements of this legislation can be absorbed within existing budgeted resources. This legislation may also result in an increase in revenue to the board from licensing fees. The increase in dedicated revenue is expected to be minor.

**Included:**

[Preliminary Fiscal Impact Statement](#)

[32 MRSA Chapter 19: Engineers and specifically §1352-A. Qualifications](#)

[LD 1165 from 128<sup>th</sup> IR – An Act To Amend the Laws Regarding Licensure for Professional Engineers](#)

[2013 Legislation](#)

[2005 Legislation](#)

[Idaho Statute \(Title 54, Chapter 12 Engineers and Surveyors 54-1219\)](#)