

Summary: This chapter sets forth the education, experience, and examination requirements for licensure as a forester.

1. **Education**

An applicant is required to either have a forestry degree or 60 contact hours of supplemental forestry education. The requirements for a qualifying forestry degree and the requirements for qualifying supplemental forestry education are set forth in Chapter 40, *Qualifications for Intern Forester License*.

2. **Forestry experience**

An applicant is required to demonstrate experience in the following four subject areas. Each of the four subject areas must be represented in the applicant's work history.

1. **Forest Biology** – including but not limited to tree growth, species identification, forest ecology, wildlife and fish ecology and habitat manipulation, tree disease and insect problems, silviculture, soils and water relationships, and fire ecology.
2. **Forest Resources Measurement** – including but not limited to basic surveying, area determination, sample design and analysis, measurements of trees and forest products, and photo interpretation and mapping.
3. **Forest Resource Management and Harvesting** – including but not limited to multiple-use principles, road design and construction, harvest layout, harvesting methods, environmental protection, marketing and utilization standards, stand analysis and prescriptions, forest and wildlife habitat management, recreation management, urban forestry, fire, insect and disease protection, and financial management.
4. **Forest Resource Policy and Administration** – including but not limited to state environmental and forest practice laws, boundary and trespass laws, contract and sale administration, forest taxation, and forest economics.

3. **Forester examination**

The examination for a forester license is a two-part examination. Part 1 is an examination that tests the applicant's knowledge of Maine forestry practices, laws, rules and policies. Part 2 is an examination approved by the board that tests the applicant's knowledge of forestry principles.

4. **Pathways to forester licensure**

1. **Lawful forestry experience as a licensed intern forester**

A. An applicant must have obtained lawful forestry experience under one of the following methods:

- (1) An applicant with a bachelor's degree or higher and 24 months of forestry experience as a licensed intern forester (including forestry experience of up to 12 months earned as an unlicensed person under the supervision of a forester registered with the board obtained after the applicant's junior year of the degree program and prior to graduation), and who passes Part 1 of the forester examination, may qualify for a forester license. The examination may be taken prior to completion of the internship.
- (2) An applicant with an associate's degree and 48 months of forestry experience as a licensed intern forester (including forestry experience of up to 12 months earned as an unlicensed person under the supervision of a forester registered with the board obtained after the applicant's first year of the degree program and prior to graduation), and who passes Part 1 of the forester examination, may qualify for a forester license. The examination may be taken prior to completion of the internship.
- (3) An applicant who obtained an intern forester license through the variance pathway and earned 48 months of experience as a licensed intern forester, and who passes Parts 1 and 2 of the examination, may qualify for a forester license. Completion of the 48 months of experience as an intern forester is a prerequisite to qualifying for the examination.

B. **Full-time equivalency**

The forestry internship is expected to be a full-time experience. Part-time experience is acceptable, but must accumulate to the full-time equivalent of the 48-month or 24-month internship required by 32 M.R.S. §5515(3)(A) or (B), as the case may be. Full-time equivalency shall also apply to those applicants in a degree program who earn forestry experience toward the internship requirement prior to the issuance of an intern forester license pursuant to 32 M.R.S. §5515(3)(A)(1) and (B)(1).

C. **Log**

The intern forester shall maintain a log during the course of the internship. The log shall record the dates, employer, location, duties and subject area with respect to each assignment performed by the intern forester. The intern forester shall produce the log to the Board for inspection at any time. The log requirement shall also apply to those applicants in a degree program who earn forestry experience toward the internship requirement prior to the issuance of an intern forester license pursuant to 32 M.R.S. § 5515(3)(A)(1) and (B)(1).

D. Completion of internship

Upon completion of the internship and payment of the applicable fee, the intern forester may apply for licensure as a forester on forms provided by the Board.

E. Sponsors**(1) Guidance**

All forestry work performed by an intern forester must be performed under the guidance of a forester who has agreed to sponsor the intern forester. Such guidance need not be day-to-day, direct personal supervision. However, the sponsor must have sufficiently detailed, current knowledge of the intern forester's work to enable the sponsor to:

- (a) Adequately evaluate the intern forester's performance on an ongoing basis; and
- (b) Submit the reference at the conclusion of the internship required by 32 M.R.S. §5515(4).

(2) Replacement sponsor

If a forester ceases to serve as sponsor without arranging for a replacement, an intern forester working under the guidance of that forester must arrange for a replacement within 30 days of the sponsor's resignation or unavailability. No work performed by an intern forester after 30 days following the resignation or unavailability of the sponsor will be recognized as part of the internship unless and until a replacement sponsor is obtained. The intern must immediately notify the board of the name and address of the replacement sponsor.

Notwithstanding anything in this subsection to the contrary, the intern forester may not endorse plans, maps and reports unless the document has been actually reviewed by the sponsor of the intern forester prior to endorsement.

2. Lawful forestry experience in another jurisdiction

- A. An applicant with a bachelor's degree or higher and 24 months of lawful forestry experience in another jurisdiction within 6 years preceding the date of application may qualify for a forester license. The applicant is required to pass Part 1 of the examination.
- B. An applicant with an associate's degree and 48 months of lawful forestry experience in another jurisdiction within 6 years of the date of application may qualify for a forester license. The applicant is required to pass Part 1 of the examination.
- C. An applicant with 60 hours of supplemental forestry education, 4 years of lawful forestry experience within 10 years preceding the date of application, and

24 months of lawful forestry experience in another jurisdiction within the 6 year period preceding the date of application, may qualify for a forester license. The applicant is required to pass Parts 1 and 2 of the examination. Completion of the forestry experience is a prerequisite to qualifying for the examination.

3. **Lawful forestry experience as an employee of the federal government**

- A. An applicant with a bachelor's degree or higher and 24 months of lawful forestry experience as an employee of the federal government within 6 years preceding the date of application may qualify for a forester license. The applicant is required to pass Part 1 of the examination.
- B. An applicant with an associate's degree and 48 months of lawful forestry experience as an employee of the federal government within 6 years of the date of application may qualify for a forester license. The applicant is required to pass Part 1 of the examination.
- C. An applicant with 60 hours of supplemental forestry education, 4 years of lawful forestry experience within 10 years preceding the date of application, and 24 months of lawful forestry experience as an employee of the federal government within the 6 year period preceding the date of application, may qualify for a forester license. The applicant is required to pass Parts 1 and 2 of the examination. Completion of the forestry experience is a prerequisite to qualifying for the examination.

4. **Licensed in another jurisdiction**

An applicant licensed in good standing in another jurisdiction is exempted from the education and forestry experience qualifications set forth in this chapter. The applicant is required to pass Parts 1 and 2 of the examination.

STATUTORY AUTHORITY: 32 M.R.S. §§ 5506(2), 5515(3), (5), (5-A), (6), (10) and 5516(2)

EFFECTIVE DATE:

Chapter 70-A: LICENSURE BY ENDORSEMENT

Summary: This Chapter outlines the process to issue a license by endorsement to an applicant who presents proof of licensure by another jurisdiction of the United States as long as the other jurisdiction maintains substantially equivalent license requirements.

1. LICENSURE BY ENDORSEMENT

An individual applying for a license by endorsement must meet the following requirements.

1. License From Another U.S. Jurisdiction

An applicant licensed by another U.S. jurisdiction who seeks licensure in Maine pursuant to 10 M.R.S. § 8003-H must:

- A. Hold a valid, active forester license issued by another jurisdiction of the United States that maintains substantially equivalent license requirements for the type of license sought;
- B. Pass the jurisprudence examination as set forth in Section 1(3) of this Chapter;
- C. Submit a completed application form; and
- C. Submit any fee as required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

2. Substantially Equivalent License Requirements

“Substantially equivalent license requirements” means that the jurisdiction maintains a pathway for initial licensure that at a minimum requires the education and experience as set forth in Section 2(1)(A)-(B).

1. Forester.

- A. Associate’s Degree and Experience.
 - i. An associate’s degree in forestry or forest technology from an program accredited by the Society of American Foresters or the equivalent curriculum;and

ii. A minimum of four years of full time forestry experience under the supervision of a licensed forester or that otherwise demonstrates the applicant is competent to practice forestry.

B. Bachelor's Degree and Experience.

i. A bachelor's degree or higher in forestry or forest technology from an program accredited by the Society of American Foresters or the equivalent curriculum;

and

ii. A minimum of two years of full time forestry experience under the supervision of a licensed forester or that otherwise demonstrates the applicant is competent to practice forestry.

3. **Jurisprudence Examination**

All applicants seeking licensure by endorsement pursuant to this chapter must pass Part 1 of the forester license examination set forth in Chapter 70, Section 3 of Board rules.

4. **Proof of Good Standing in All Jurisdictions**

An applicant must be in good standing in all jurisdictions in which the applicant holds or has held a license. For purposes of this subsection, "good standing" means that the applicant does not have a complaint, allegation or investigation pending, does not have a license that is suspended or subject to practice restrictions, and has never surrendered a license or had a license revoked.

STATUTORY AUTHORITY: 32 M.R.S. §§ 5506, 5516(2)(D); 10 M.R.S. § 8003-H

EFFECTIVE DATE:

Chapter 100: CODE OF ETHICS

Summary: This chapter defines unprofessional practice as failure to comply with the Code of Ethics adopted by the board in this chapter.

1. Code of Ethics; Unprofessional Practice

The following Code of Ethics defines the conduct of foresters in their relations with clients, employers, other professionals, and the public. Unprofessional practice includes but is not limited to any failure to comply with the Code of Ethics.

2. Definitions

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

1. **Client.** “Client” means person or entity who has entered into an agreement for services with a forester or the forester’s employer.
2. **Conflict of interest.** “Conflict of interest” means a situation when a forester has a duty to more than one person or entity but cannot equally represent the actual or potential adverse interests of both parties. This includes when a forester’s personal interests or concerns are inconsistent with the best interests of a client.
3. **Fiduciary responsibility.** “Fiduciary responsibility” means the obligation to act in the best interests of the client within accepted forestry practice.
4. **Forester.** “Forester” means a person who holds a license from the Board as a forester or an intern forester.
5. **Management.** “Management” means the planning and implementation in accordance with landowner objectives and professional standards of proven and accepted scientific forestry methods appropriate to specific forest conditions, to achieve a desired or improved result compared to current conditions. Foresters have an obligation to advise landowners of the consequences of deviating from such standards.
6. **Stumpage.** “Stumpage” means the value of standing trees.

7. Supplier. "Supplier" means a landowner or other entity selling stumpage or severed forest products.
8. Timber appraisal. "Timber appraisal" means the process or methodology of developing an opinion or estimate of value of stumpage or timber value.

3. **Obligations to Clients, Suppliers and Employers**

A forester bears the following obligations to clients, suppliers and employers, except that subsections 4, 6, 7 and 9 below do not apply to foresters performing management services on land or timber owned, leased, or controlled by the employer of the forester or an agent or affiliate of the employer. Notwithstanding the foregoing, subsections 4, 6, 7 and 9 do apply to foresters performing services in connection with stumpage purchase agreements associated with one-time or intermittent harvesting.

1. **General Duty**

A forester must act towards the client, supplier, and employer in all professional matters with loyalty, fidelity, and integrity in word and deed.

2. Prior to providing services, a forester must disclose to a client or supplier:
 - A. To whom the forester owes a fiduciary duty with respect to the agreement;
 - B. Whether the forester is procuring or soliciting forest products that have a commercial value; and
 - C. Any financial or purchase interest the forester or the forester's employer has in the land or timber including the forester's or forester's employer's interest in the stumpage or timber to be harvested and the relationship to the services to be provided by the forester.

3. **Confidentiality**

A forester must not disclose proprietary information concerning the forester's current or former client or employer without the client's or employer's express permission, except as required by law.

4. **Conflicts of Interest**

- A. **Generally.** A forester must avoid a conflict of interest, or the appearance of a conflict of interest. If a conflict of interest is discovered, the forester must
 - (1) Promptly and fully disclose the conflict to the client or employer in writing; and

- (2) Either act immediately to resolve the conflict or obtain written consent from the client or employer.
- B. **Disclosure.** The disclosure required by subparagraph (A)(1) above must include, but not be limited to:
 - (1) The nature of the conflict;
 - (2) The role in which the forester proposes to provide the services, *e.g.*, procuring, consulting, providing landowner assistance or management assistance, providing services as an employee of a consulting firm, or providing services on behalf of a government entity;
 - (3) The person or entity paying for the services and how payments are to be made; and
 - (4) A description of any confidential client information that may be disclosed to the person or entity paying for the services.
- C. In the event that a conflict of interest arises as a result of a timber appraisal, the forester must disclose the conflict to the former client or employer and secure permission to share the appraisal information.

5. **Truthful Reporting**

A forester must provide truthful reports of forest conditions, health and quality based on current accepted forestry standards and knowledge.

6. **Requirements Regarding Written Agreements**

Written client agreements minimize the potential for disagreement or misunderstanding.

- A. A forester must offer to provide written confirmation to the client of the duties to be performed by the forester for the client or supplier prior to commencing work on a project unless the project is to be completed within seven (7) days of the forester's acceptance of the assignment.
- B. A forester must develop a signed written agreement with each client before:
 - (1) Administering or overseeing a timber harvest;
 - (2) Undertaking a client engagement that is expected to result in physical alteration of a parcel;

- (3) Acting as the client's agent; or
- (4) Accepting or disbursing clients' funds on behalf of the client.

Notwithstanding the foregoing, where a written agreement is required under this section, an exception may exist for minor, urgent or unforeseen circumstances.

C. If a written agreement is requested or required under this chapter, it must include the following provisions:

- (1) Disclosures as described in this chapter as applicable, specifically:
 - (a) To whom the forester owes a fiduciary duty with respect to the agreement;
 - (b) The forester's role, such as procuring forest products of commercial value, consulting, providing landowner assistance or management assistance, providing services as an employee of a consulting firm, or providing services on behalf of a government entity;
 - (c) Any financial or purchase interest the forester or the forester's employer has in the land or timber, including the forester's or forester's employer's interest in the stumpage or timber to be harvested;
 - (d) The extent of work, setting forth with reasonable certainty the scope of the project;
 - (e) The specific location of the land upon which the work is to be completed;
 - (f) The estimated cost consistent with the provisions of subsection 8 below; and
 - (g) An estimated completion schedule.

7. **Fee Disclosure**

Prior to providing services, a forester must disclose all direct and indirect costs or obligations of the services to be provided. This disclosure must include the rates,

commissions and methods by which compensation must be calculated and any estimate of the overall cost of the services to be provided. If circumstances cause the fee estimate to become significantly inaccurate, the forester must consult the client and convey a revised estimate to the client as soon as practicable thereafter.

8. **Fees**

Fees may be negotiated on any mutually agreeable basis. No fee may be established upon a predetermined result or value. With respect to timber appraisals, a forester may not accept a fee based upon the value of the timber being appraised, nor may a forester have any legal or equitable interest in the property being appraised.

9. **Client Funds**

A forester who has custody of client funds must maintain said funds in separate trust accounts, which are not commingled with the forester's assets, but which may be commingled with other client funds. Such forester must retain records that accurately reflect the receipt of and debiting of client funds to the forester.

10. **Due Care**

A forester must 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.

11. **Client Objectives**

A forester must obtain a clear understanding of the client's objectives in connection with providing any services to the client.

12. **Qualified**

A forester must perform only those services for which the forester is qualified by education or experience.

13. **Other Experts**

A forester must advise the client or employer to engage other experts and specialists in forestry or related fields whenever the interest of the client or employer would be best served by such action, and the forester will work cooperatively with other professionals.

14. **Endorsement of Document**

A forester must only sign or seal those plans, reports, prescriptions, maps and specifications personally prepared by the forester or produced under the direct supervision or review of the forester. Any maps or property descriptions prepared for public record by a forester must clearly disclose "not a legal survey."

15. **Professional Standards**

If a forester is asked to participate in forestry operations which would deviate from accepted forestry practices that could cause harm to the client, supplier, employer or forest, the forester must advise the client or employer in advance of the consequences of such deviation. In no event shall a forester participate in or condone any violation of any laws or rules.

4. **Obligations to the Public**

1. **Disclosure of Role**

A forester must clearly state on whose behalf the forester provides any opinions or makes any professional statements. In dealing with the public, a forester must clearly identify him or herself, the client, and any other person whose interests the forester is representing.

2. **Public Comment**

A forester must base public comment on forestry matters on accurate knowledge and must not distort or withhold pertinent information to substantiate a point of view.

3. **Ethics First**

A forester must uphold this Code of Ethics above the demands of employment.

4. **Advertising**

A forester must only advertise in a dignified and truthful manner, stating the services the forester is qualified and prepared to perform. Such advertisements may include references to fees charged, but they may not include references to past clients served without their prior written consent.

5. **Supervision of Unlicensed Individuals**

A forester must comply with all provisions of the Forester Licensing law and the rules of the Board in connection with the supervision of the work of an individual not licensed by the Board.

5. **Obligations to Other Foresters**

1. **Recommendation**

Information submitted by a forester about a candidate for a license from this Board, or in connection with a prospective client referral to another forester or professional, must be accurate, factual and objective.

2. **Duties of Sponsor**

A forester must perform all duties and obligations imposed on the forester by the Forester Licensing law and the rules of the Board when acting as a sponsor of an intern forester.

STATUTORY AUTHORITY: 32 M.R.S. § 5506(3)

EFFECTIVE DATE: