



DEPARTMENT OF

**Professional &
Financial Regulation**

STATE OF MAINE

- OFFICE OF SECURITIES
- BUREAU OF INSURANCE
- CONSUMER CREDIT PROTECTION
- BUREAU OF FINANCIAL INSTITUTIONS
- OFFICE OF LICENSING AND REGISTRATION

Request for Information from Interested Parties: Sunrise Review for LD 1240

*“Resolve, Directing the Commissioner of Professional and
Financial Regulation To Conduct a Sunrise Review
Regarding a Proposal To License Wetland Scientists”*

**Department of Professional and Financial Regulation
Office of the Commissioner
June 12, 2009**

Sunrise Review Survey: Regulation of Wetland Scientists

Please return the completed survey to the Commissioner's Office by July 20, 2009. You may respond to any or all questions. The survey should be e-mailed to Doug Dunbar, Assistant to the Commissioner. The address is doug.dunbar@maine.gov. An electronic version of the survey is available by contacting the Commissioner's Office at (207) 624-8511.

Completed by: (name, title) Gil Paquette, Principal, Professional Wetland Scientist #1271, Certified Wildlife Biologist, Former President-Elect of Maine Association of Wetland Scientists (MAWS), Former President of the Maine Chapter of the Wildlife Society (for 2 terms), Current Past President of Maine Chapter of the Wildlife Society.

On behalf of: Self

Mailing address: **TRC 400 Southborough, South Portland, ME 04106**

E-mail address: **gpaquette@trcsolutions.com**

Date: **July 22,2009**

General Information

1. Group or organization you represent:

Self

2. Position on proposed legislation. Does this group or organization support or oppose state regulation of wetland scientists?

Opposed

Evaluation Criteria (32 M.R.S.A. § 60-J)

1. Data on group proposed for regulation. Please provide a description of the professional or occupational group proposed for regulation, including:

- (a) The number of individuals or business entities that you believe would be subject to regulation;
- (b) The names and addresses of associations, organizations and other groups representing potential licensees; and
- (c) An estimate of the number of potential licensees in each group.

2. **Specialized skill.** Please describe whether the work of wetland scientists requires such a specialized skill that the public is not qualified to select a competent individual without assurances that minimum qualifications have been met.

I strongly believe that the public can and already does select qualified individuals to perform this work and that licensing is not required

3. **Threat to public health, safety, or welfare.** Please describe:

- (a) The nature and extent of potential harm to the public, if wetland scientists continue to be unregulated by the State; and

I see no threat of potential public harm.

- (b) The extent to which there is a threat to the public's health, safety or welfare without state regulation (*Please provide evidence of the 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 wetland scientists in this State within the past 5 years*).

I see no threat to the public health. Any potential threats that have been relayed to the Legislature and Board have been grossly exaggerated.

4. **Voluntary and past regulatory efforts.** Please provide a description of the voluntary efforts made by wetland scientists 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.

5. **Costs and benefits of regulation.** Please describe the extent to which regulation of wetland scientists will increase the cost of services provided by wetland scientists and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

6. **Service availability under regulation.** Please describe the extent to which regulation of wetland scientists would increase or decrease the availability of services to the public.

7. **Existing laws and regulations.** Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from continued non-regulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

Existing regulations are completely adequate. The system is currently working well.

8. Method of regulation. Please describe 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.

There is already regulatory oversight at the local, state, and federal level through the various permitting processes. All the aforementioned regulatory entities visit sites and check delineations routinely, even on large projects. As such licensing is not required.

9. Other states. Please provide a list of other states that regulate wetland scientists, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on wetland scientists in terms of a before-and-after analysis.

10. Previous efforts to regulate. Please provide the details of any previous efforts in this State to implement regulation of wetland scientists.

11. Minimal competence. Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

12. Financial analysis. Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by potential licensees through dedicated revenue mechanisms.

13. Mandated benefits. Please describe whether the profession or occupation plans to apply for mandated benefits.