

§7094. Oversight, dispute resolution and enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact. The provisions of the compact and the rules promulgated under the compact have standing as statutory law. [PL 2023, c. 674, §1 (NEW).]

B. Except as otherwise provided in the compact, venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter. [PL 2023, c. 674, §1 (NEW).]

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact or promulgated rules. [PL 2023, c. 674, §1 (NEW).]
[PL 2023, c. 674, §1 (NEW).]

2. Default and technical assistance. Default and technical assistance are governed by this subsection.

A. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

- (1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and
- (2) Offer remedial training and specific technical assistance regarding the default. [PL 2023, c. 674, §1 (NEW).]

B. The commission shall provide a copy of the notice of default under paragraph A to the other member states. [PL 2023, c. 674, §1 (NEW).]
[PL 2023, c. 674, §1 (NEW).]

3. Termination from compact. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
[PL 2023, c. 674, §1 (NEW).]

4. Termination regulation. Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.
[PL 2023, c. 674, §1 (NEW).]

5. Responsibilities after termination. Upon the termination of a state's membership from the compact, a state shall immediately provide notice to all licensees within that state of the termination. The state that has terminated its membership shall continue to recognize all licenses granted pursuant to this compact for a minimum of 6 months after the date of notice of termination. A state that has

terminated its membership is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

[PL 2023, c. 674, §1 (NEW).]

6. Costs. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

[PL 2023, c. 674, §1 (NEW).]

7. Appeal. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party must be awarded all costs of that litigation, including reasonable attorney's fees.

[PL 2023, c. 674, §1 (NEW).]

8. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states. [PL 2023, c. 674, §1 (NEW).]

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. [PL 2023, c. 674, §1 (NEW).]

[PL 2023, c. 674, §1 (NEW).]

9. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. [PL 2023, c. 674, §1 (NEW).]

B. By majority vote as provided by rule, the commission may initiate legal action against a member state in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of that litigation, including reasonable attorney's fees. [PL 2023, c. 674, §1 (NEW).]

C. The remedies under this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal law or the defaulting state's law. [PL 2023, c. 674, §1 (NEW).]

D. A person other than a member state may not enforce this compact against the commission. [PL 2023, c. 674, §1 (NEW).]

[PL 2023, c. 674, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 674, §1 (NEW).

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