

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

industrial or manufacturing plants, electrical generating plants or other plants operated by a public utility;

IV. The maintenance and operation of oil burner installations when done by regular employees of owners or lessees of real property when working as such. (1955, c. 352, § 1.)

Sec. 14. Penalty for violation.—Any person who makes oil burner installations for compensation without having first obtained a license hereunder or who, being himself in the business, employs a person to do such work who has not such a license, unless the work done comes within the exception set out in section 13, or procures any license wrongfully or by fraud, or violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment. (1955, c. 352, § 1.)

Sec. 15. Provisions in city charters not affected.—The provisions of this chapter shall not prevent the licensing of oil burnermen licensed hereunder by cities under the provisions of the charters or ordinances thereof. (1955, c. 352, § 1.)

Sec. 16. Funds for enforcement.—The insurance commissioner is hereby empowered to expend up to 20% of the funds accruing to the oil burnermen's licensing board for the employment of one or more state fire inspectors, subject to the provisions of the personnel law, to assist in the enforcement of the provisions of this chapter and for the purchase of necessary electrical testing equipment. (1955, c. 352, § 1.)

Chapter 83.

Board of Registration for Professional Engineers.

Sec. 1. General provisions.

Design of legislature.—See note to c. 81, § 1.

The practice of the professional engineer directly relates to the public health and

welfare. State v. Beck, 156 Me. 403, 165 A. (2d) 433.

Cited in Beck v. Sampson, 158 Me. 502, 186 A. (2d) 783.

Sec. 2. Definitions.

Engineering and architecture are separate species of engineering genus. — See note to c. 81, § 10.

Sec. 8. Powers.

In carrying into effect the provisions of this chapter, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and also may require the production of books, records, papers, documents, etc., in a case involving the revocation of a certificate of registration as a professional engineer or a certificate as an engineer-in-training or in a case of practicing or offering to practice professional engineering without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers or documents, the board may present its complaint to the superior court, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such court and there to testify or to produce such books, papers and documents as may be deemed necessary and pertinent by the court. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to

obey any other subpoena or order of the court. (R. S. c. 74, § 8. 1953, c. 345, § 2. 1963, c. 414, § 91.)

Effect of amendment.—The 1963 amendment substituted “complaint” for “petition” in the third sentence of the second paragraph.

As the first paragraph was not affected by the amendment, it is not set out.

Cited in *State v. Beck*, 156 Me. 403, 165 A. (2d) 433.

Sec. 9. Receipts and disbursements.

Quoted in *State v. Beck*, 156 Me. 403, 165 A. (2d) 433.

Sec. 12. General requirements for registration. — To be eligible for registration as a professional engineer, or certification as an engineer-in-training, an applicant must be of good character and reputation and shall submit 5 references with his application for registration as a professional engineer, 3 of which references shall be registered engineers having personal knowledge of his engineering experience, or in the case of an application for certification as an engineer-in-training, by 3 character references.

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer or for certification as an engineer-in-training, respectively:

I. Professional engineer. As a professional engineer:

A. Registration by endorsement. A person holding a certificate of registration to engage in the practice of engineering, on the basis of comparable written examinations, issued to him by a proper authority of a state, territory or possession of the United States, the District of Columbia, or of any foreign country, who, in the opinion of the board, meets the requirements of this chapter, based on verified evidence may, upon application, be registered without further examination.

A person holding a certificate of qualification issued by the national bureau of engineering registration, whose qualifications meet the requirements of this chapter may, upon application, be registered without further examination.

B. Graduation, experience and examination. A graduate of an engineering curriculum of 4 years or more approved by the board as being of satisfactory standing; and with a specific record of an additional 4 years or more of experience in engineering work of a grade and character which indicates to the board that the applicant may be competent to practice engineering, shall be admitted to an 8-hour written examination in the fundamentals of engineering and an 8-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

C. Experience and examination. An applicant, having a specific record of a high school education and 12 years or more of progressive experience in engineering work of a character and grade which indicates to the board that the applicant may be competent to practice engineering, and who passes an 8-hour written examination in the fundamentals of engineering designed to show knowledge and skill approximating that obtained through graduation in an approved 4-year engineering curriculum, and an 8-hour written examination in the principles and practice of engineering, shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

D. Long established practice. An applicant with an experience record of at least 15 years of lawful practice in engineering work, of which at least 10 years have been in responsible jobs or important engineering work, and of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has passed an oral

or an 8-hour written examination in the principles and practice of engineering, and is otherwise qualified, shall be registered to practice engineering in this state.

E. Teaching. Engineering teaching in a college or university offering an approved engineering curriculum of 4 years or more may be considered as engineering experience.

II. Engineer-in-training. As an engineer-in-training: The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer-in-training:

A. Graduation and examination. A graduate of an approved engineering curriculum of 4 years or more who has passed the board's 8-hour written examination in the fundamentals of engineering shall be certified or enrolled as an engineer-in-training, if he is otherwise qualified.

B. Experience and examination. An applicant having a high school education and a specific record of 8 or more years of experience in engineering work of a grade and character satisfactory to the board, who passes the board's 8-hour written examination in the fundamentals of engineering shall be certified or enrolled as an engineer-in-training, if he is otherwise qualified.

C. Engineer-in-training certification. The certification or enrollment of an engineer-in-training shall be valid for a period of 12 years.

Any person having the necessary qualifications prescribed in this chapter to entitle him to registration shall be eligible for such registration though he may not be practicing his profession at the time of making his application. (R. S. c. 74, § 12. 1945, c. 43, § 1; c. 293, § 13; c. 378, § 63. 1953, c. 345, §§ 5, 6. 1961, c. 288, § 1.)

Effect of amendment.—The 1961 amendment rewrote all of this section except the last paragraph.

L. 1961, amending this section, provides that the act shall become effective July 1, 1962.

Effective date.—Section 6 of c. 288, P.

Sec. 13. Application and fees.—Application for registration as a professional engineer or certification as an engineer-in-training shall be on a form prescribed and furnished by the board; shall contain statements made under oath, showing the applicant's education and a detailed summary of his technical experience, and shall contain references as set forth in section 12, none of whom may be members of the board.

The registration fee for professional engineers shall be established by the board in an amount not to exceed \$25, ½ of which shall accompany the application.

The fee for engineer-in-training certification or enrollment shall be established by the board in an amount not to exceed ½ of the registration fee for professional engineers, and shall accompany the application. The fee paid by an applicant for certification or enrollment as an engineer-in-training shall be credited as the initial payment if and when application is made for registration as a professional engineer.

Should the board deny the issuance of a certificate to any applicant, the fee paid shall be retained as an application fee. (R. S. c. 74, § 13. 1953, c. 345, § 7. 1961, c. 288, § 2.)

Effect of amendment.—The 1961 amendment rewrote this section, eliminating provisions as to certification as engineer-in-training similar to those now found in § 12.

Effective date.—Section 6 of c. 288, P. L. 1961, amending this section, provides that the act shall become effective July 1, 1962.

Sec. 14. Examinations.—Written examinations shall be held at such times and places as the board shall determine. Examinations required on fundamental engineering subjects may be taken as provided in section 12. The final examina-

tions may not be taken until the applicant has completed a period of engineering experience as set forth in section 12.

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for registration having an average grade of less than 50% may not apply for reexamination for one year. (R. S. c. 74, § 14. 1961, c. 288, § 3.)

Effect of amendment.—The 1961 amendment rewrote this section. L. 1961, amending this section, provides that the act shall become effective July 1, 1962.

Effective date.—Section 6 of c. 288, P. 1962.

Sec. 16. Expiration and renewals.—Certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year. Such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee designated by the board, which shall not exceed \$3 nor be less than \$1. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased 10% for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. (R. S. c. 74, § 16. 1961, c. 288, § 4.)

Effect of amendment.—The 1961 amendment divided the former second sentence into two sentences and substituted "one month" for "1 day" in the present third sentence. **Effective date.**—Section 6 of c. 288, P. L. 1961, amending this section, provides that the act shall become effective July 1, 1962.

Sec. 21. Reciprocity.—The board may, upon application therefor and the payment of a fee established by the board as provided in section 13, issue a certificate of registration as a professional engineer to any person whose qualifications meet the requirements of section 12, subsection I, paragraph A. (R. S. c. 74, § 20. 1961, c. 288, § 5.)

Effect of amendment.—The 1961 amendment rewrote this section. L. 1961, amending this section, provides that the act shall become effective July 1, 1962.

Effective date.—Section 6 of c. 288, P. 1962.

Chapter 84.

Registration of Real Estate Brokers and Salesmen.

Sec. 1. Maine real estate commission; powers; duties; compensation.

Each member of the commission shall receive as full compensation for each day actually spent on the work of said commission the sum of \$20 and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

The commission may employ a secretary and such clerical assistants as it deems necessary to discharge the duties imposed by this chapter, and shall outline their duties and fix their compensation, subject to the personnel law. The commission may employ such technical assistants and investigators as may be necessary.

The fees collected under the provisions of this chapter shall be paid forthwith by the commission to the treasurer of state with a detailed statement thereof and