

MAINE STATE LEGISLATURE

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**CHAPTER 19
ENGINEERS**

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SUBCHAPTER I

GENERAL PROVISIONS

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§ 1251. Definitions

As used in this chapter, unless a different meaning clearly appears from the context:

1. Board. The term “board” shall mean the State Board of Registration for Professional Engineers.

2. Engineer-in-training. The term “engineer-in-training” shall mean a person who has been certified as such by the board and whose name has been entered in the register of engineer-in-training.

3. Practice of professional engineering. The term “practice of professional engineering” shall be held to mean any professional service, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

4. Professional engineer. The term “professional engineer” shall mean a person who, by reason of his knowledge of mathe-

matics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined.

R.S.1954, c. 83, § 2.

§ 1252. Other legally recognized professions not affected

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.

R.S.1954, c. 83, § 25.

§ 1253. Corporations, partnerships and associations

A firm, copartnership, corporation or joint stock association may engage in the practice of professional engineering in this State, provided only such practice is carried on by professional engineers registered in this State.

R.S.1954, c. 83, § 18.

§ 1254. Public works

Any department of this State or any of its political subdivisions, any county, city, town, township or plantation may engage in construction of any public work involving professional engineering without procuring the services of a registered professional engineer, provided the contemplated expenditure for the completed project does not exceed \$5,000.

R.S.1954, c. 83, § 19.

§ 1255. Exemptions

The following persons shall be exempt from this chapter:

1. Limited practice by nonresident. A person not a resident of and having no established place of business in this State, practicing or offering to practice herein the profession of engineering when such practice does not exceed in the aggregate more than 30 days in any calendar year, provided such person is legally qualified by registration to practice the said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter.

2. Nonresident becoming resident. A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offer-

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ing to practice herein for more than 30 days in any calendar year the profession of engineering, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration, provided such a person is legally qualified to practice said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter.

3. Certain employees. An employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person exempted from registration by subsections 1 and 2; provided his practice does not include responsible charge or design or supervision.

4. United States Government employees. Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said government.

5. Interstate commerce corporation employees. An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of such corporation. An officer or employee of such corporation customarily in responsible charge of the engineering work of such corporation within this State shall be a registrant under this chapter.

R.S.1954, c. 83, § 20.

§ 1256. Violations

Any person who shall practice or offer to practice the profession of engineering in this State without being registered or exempted in accordance with this chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person who

shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 3 months, or by both.

It shall be the duty of all duly constituted officers of the law of this State or any political subdivision thereof to enforce this chapter and to prosecute any persons violating same. The Attorney General or his assistant shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out this chapter.

R.S.1954, c. 83, § 24.

SUBCHAPTER II

STATE BOARD OF REGISTRATION

Sec.

- 1301. Appointment; term.
- 1302. Qualifications.
- 1303. Compensation and expenses.
- 1304. Removal; vacancies.
- 1305. Organization and meetings.
- 1306. Powers.
- 1307. Receipts and disbursements.
- 1308. Records and reports.
- 1309. Roster of registered engineers.

§ 1301. Appointment; term

The State Board of Registration for Professional Engineers, as heretofore established, shall administer this chapter. The board shall consist of 5 professional engineers, who shall be appointed by the Governor with the advice and consent of the Council, from among nominees recommended by the representative engineering societies in the State and who shall have the qualifications required by section 1302.

On the expiration of the term of any member, the Governor shall, in the manner provided, appoint for a term of 5 years a registered professional engineer having the qualifications required by section 1302 to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

R.S.1954, c. 83, § 3.

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§ 1302. Qualifications

Each member of the board shall be a citizen of the United States and a resident of this State, shall have been engaged in the practice of the profession of engineering for at least 12 years and shall have been in responsible charge of important engineering work for at least 5 years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

R.S.1954, c. 83, § 4.

§ 1303. Compensation and expenses

No member of the board, except as provided in section 1307, shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual traveling and incidental expenses necessarily incurred in carrying out this chapter. No clerical expenses shall be allowed any member of the board except as provided in section 1307.

R.S.1954, c. 83, § 5.

§ 1304. Removal; vacancies

The Governor with the advice and consent of the Council may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in section 1301.

R.S.1954, c. 83, § 6.

§ 1305. Organization and meetings

The board shall hold at least 2 regular meetings each year. Special meetings shall be held at such time as the bylaws of the board may provide. Notice of all meetings shall be given in such manner as the bylaws may provide.

The board shall elect or appoint annually: A chairman, a vice-chairman and a secretary. A quorum of the board shall consist of not less than 3 members.

R.S.1954, c. 83, § 7.

§ 1306. Powers

The board shall have the power to make all bylaws and rules, not inconsistent with this chapter and the Constitution and

laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal.

In carrying into effect this chapter, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and 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.1954, c. 83, § 8; 1963, c. 414, § 91.

§ 1307. Receipts and disbursements

The secretary of the board shall receive and account for all moneys derived under this chapter and shall pay the same, as provided by law, to the Treasurer of State, who shall keep such moneys in a separate fund to be known as the "Professional Engineers' Fund." The secretary of the board shall receive a salary and allowance for clerical hire as recommended by the board, in addition to the expenses provided for in section 1303. The board may make other expenditures from this fund, upon itemized vouchers approved by the chairman of the board, which in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter.

R.S.1954, c. 83, § 9.

§ 1308. Records and reports

The board shall keep a record of its proceedings and a register of all applications for certificates as engineer-in-training and

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a register of all applications for certificates of registration as professional engineers, which register shall show:

1. **Name, age, residence.** The name, age and residence of each applicant;
2. **Date of application.** The date of the application;
3. **Place of business.** The place of business of such applicant;
4. **Qualifications.** His educational and other qualifications;
5. **Examination.** Whether or not an examination was required;
6. **Rejection.** Whether the applicant was rejected;
7. **Certificate.** Whether a certificate as engineer-in-training or a certificate as registered professional engineer was granted;
8. **Date of board's action.** The date of the action of the board; and
9. **Other information.** Such other information as may be deemed necessary by the board.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Not later than August 1st of each year, the board shall submit to the Governor a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

R.S.1954, c. 83, § 10.

§ 1309. Roster of registered engineers

A roster showing the names and places of business of all registered professional engineers shall be prepared by the secretary of the board during the month of January of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State and the clerk of courts of each county and furnished to the public upon request.

R.S.1954, c. 83, § 11.

SUBCHAPTER III
REGISTRATION

Sec.

- 1351. Registration required.
- 1352. Qualifications.
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- 1356. —Revocation and reissuance.
- 1357. Expiration and renewals.
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- 1359. Reciprocity.
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§ 1351. Registration required

In order to safeguard life, health and property, any person practicing or offering to practice the profession of engineering shall be required to submit evidence that he is qualified to so practice and shall be registered as provided. It shall be unlawful for any person to practice or to offer to practice the profession of engineering in the State or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly registered or exempted under this chapter.

R.S.1954, c. 83, § 1.

§ 1352. Qualifications

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:

1. Professional engineer. As a professional engineer:

A. Registration by endorsement. A person holding a certificate of registration to engage in the practice of engineer-

ing, 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 other-

wise 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.

2. 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.1954, c. 83, § 12; 1961, c. 288, § 1.

§ 1353. Application; 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 1352, 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, 1/2 of which shall accompany the application.

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The fee for engineer-in-training certification or enrollment shall be established by the board in an amount not to exceed $\frac{1}{2}$ 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.1954, c. 83, § 13; 1961, c. 288, § 2.

§ 1354. 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 1352. The final examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352.

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for re-examination, 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.1954, c. 83, § 14; 1961, c. 288, § 3.

§ 1355. Certificates; seals

The board shall issue a certificate of registration upon payment of registration fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The certificate shall authorize the practice of "professional engineering." Certificates of registration shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman and the secretary of the board under seal of the board.

The issuance of a certificate of registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer while the said certificate remains unrevoked or unexpired.

Each registrant upon registration may obtain a seal of the design authorized by the board, bearing the registrant's name

and the legend "registered professional engineer." Plans, specifications, plats and reports issued by a registrant shall be stamped with the said seal, as prescribed in the rules of the board, during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

R.S.1954, c. 83, § 15.

§ 1356. —Revocation and reissuance

The board shall have the power to revoke the registration of a registered professional engineer or the certificate of an engineer-in-training who is found guilty of:

1. **Fraud or deceit.** The practice of any fraud or deceit in obtaining a certificate of registration as professional engineer or a certificate as an engineer-in-training;

2. **Negligence or misconduct.** Any gross negligence, incompetency or misconduct in the practice of professional engineering as a registered professional engineer or as an engineer-in-training.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registered professional engineer or any engineer-in-training. Such charges shall be in writing, and shall be sworn to by the person making them, and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or sent by registered mail to the last known address of such registrant, at least 30 days before the date set for the hearing. At any hearing, the accused registrant or engineer-in-training shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense.

If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered professional engineer or certificate of such engineer-in-training.

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The board, for reasons it may deem sufficient, may reissue a certificate of registration as a professional engineer or as an engineer-in-training to any person whose certificate has been revoked, provided 3 or more members of the board vote in favor of such reissuance. A new certificate of registration as a professional engineer or as an engineer-in-training, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and a charge of \$3 shall be made for such issuance.

R.S.1954, c. 83, § 23.

§ 1357. 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 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. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

R.S.1954, c. 83, § 16; 1961, c. 288, § 4.

§ 1358. Exemptions from expiration and renewal fees

Any person holding a valid certificate of registration under this chapter on the date of entering employment in the Armed Forces of the Government of the United States during a period of war or employment in any wartime service outside of continental United States, governmental or otherwise, under the United States or any of its allied nations shall be exempt, for the duration of such employment, from the payment of all renewal fees and his certificate of registration shall remain in full force and effect until the next regular renewal date following the termination of such employment.

R.S.1954, c. 83, § 17.

§ 1359. Reciprocity

The board may, upon application therefor and the payment of a fee established by the board as provided in section 1353, issue a certificate of registration as a professional engineer to any person whose qualifications meet the requirements of section 1352, subsection 1, paragraph A.

R.S.1954, c. 83, § 21; 1961, c. 288, § 5.

§ 1360. —Residents certified elsewhere

A person who is a resident of the State and has been certified in another state as an engineer-in-training may, upon payment of a fee of \$5, be certified as an engineer-in-training in Maine, provided he submits evidence satisfactory to the board that he has been certified as an engineer-in-training in another state under qualifications substantially equivalent to those specified in this chapter for such certification.

R.S.1954, c. 83, § 22.