

MAINE STATE LEGISLATURE

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William H. Bradford, Secretary

Board of Registration for
Professional Engineers
Attorney General

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Interpretation of 32 M.R.S.A. § 1351 pertaining to Advertising

FACTS:

An industrial supply company in a brochure containing advertising material relating to the company uses the term "engineering" listed under a general heading of "Services." The company does not retain the services of a "registered professional engineer."

QUESTION:

Is the use of the term "engineering" in the above context a violation of any provision of 32 M.R.S.A. c. 19?

ANSWER:

Yes.

OPINION:

The term "engineering" is a generic term which necessarily includes within its area of meaning the term "professional engineering." Since the meaning of the term "engineering" is broader in scope than the meaning of the term "professional engineering," a use of the term "engineering" can be interpreted to include the term "professional engineering" unless some language is used to negate this possibility.

A person engaged in "professional engineering" is a person engaged in "practicing the profession of engineering." 32 M.R.S.A. § 1351 requires registration of persons practicing or offering to practice the profession of engineering in the State of Maine unless they are exempted under 32 M.R.S.A. c. 19.

32 M.R.S.A. § 1351 provides in part:

" 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."

Thus, it is clear that any advertisement is prohibited which tends to convey the impression that a professional engineer is performing engineering services if in fact there is no registered professional engineer or the person performing the service has not been specifically exempted from registration.

To summarize, "engineering" can be interpreted to include "professional engineering" unless there is a specific negation and "the practice of engineering" can be interpreted to include "the practice of the profession of engineering" unless there is a specific negation. Therefore, advertising relating to engineering without any limiting terminology tends to convey the impression that a professional engineer is involved in performing engineering services even though it may not have been the intention of the advertiser to convey this impression.

It is our opinion that the subject advertising is in violation of 32 M.R.S.A. § 1351.

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Assistant Attorney General

JSM/sll