

# MAINE STATE LEGISLATURE

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March 7, 1966

Harry D. Watson, Chairman  
Jerome S. Matus, Assistant

State Board of Registration for  
Professional Engineers  
Attorney General

**Listing of Professional Engineers by Classifications in Official  
Publication of State Board of Registration for Professional Engineers.**

**FACTS:**

The State Board of Registration for Professional Engineers publishes an annual report with a roster of professional engineers. The 29th annual report lists 1,628 registered professional engineers in the State of Maine as of January 31, 1965. The professional engineers in the roster are listed by name (alphabetically), classification, address and serial number. The classifications are as follows:

Aeronautical	(Aer)	Electrical	(Ele)	Metallurgical	(Met)
Agricultural	(Agr)	Heat & Vent.	(H & V)	Mining	(Min)
Chemical	(Che)	Industrial	(Ind)	Sanitary	(San)
Civil	(Civ)	Mechanical	(Mech)	Structural	(Str)

Some of the professional engineers listed are classified in two of the aforementioned branches of engineering; other professional engineers are classified in just one of the aforementioned branches of engineering.

The State Board of Registration for Professional Engineers has promulgated certain rules and regulations including Rule 3 titled "Application for registration as a professional engineer and for certification as an engineer-in-training," which rule reads as follows:

"Applications for registration and certification shall be made on forms furnished by the Board.

"Applications shall be made for registration as a Professional Engineer and should designate the branch in which they desire to qualify, such as:

- a. Agricultural
- b. Chemical
- c. Civil
- d. Electrical
- e. Mechanical
- f. Sanitary
- g. Structural

"Additional branches or subdivisions thereof may be designated by the applicant. The Board may, at its discretion, designate the branches or subdivisions thereof in which it finds the applicant to be duly qualified. Application for certification as an "Engineer-in-Training" shall, on approval, admit the applicant to examination the passage of which shall entitle the applicant to a certificate, without designation of a specific branch of engineering."

The examination given by the Board is a general examination governing various fields of engineering. No special examination is given for a special branch of engineering the successful passing of which would serve as a prerequisite for classification by branch of engineering.

A registered professional engineer has recently requested to be listed as an architectural engineer. To the present date, no registered professional engineer has ever received this classification by the Board.

QUESTION #1:

Should a roster of professional engineers in an official State Board of Registration for Professional Engineers publication include a classification of each engineer by the branch or branches of engineering in which he specializes?

QUESTION #2:

What is the legality of listing a professional engineer as an architectural engineer in the roster of professional engineers?

ANSWER #1:

No.

OPINION #1:

A rule and regulation promulgated by an administrative board cannot exceed the statutory authority given to the administrative board.

32 M.R.S.A. § 1306 gives the State Board of Registration for Professional Engineers authority to make rules. The pertinent portion of 32 M.R.S.A. § 1306 reads as follows: "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. . . ."

Nowhere in 32 M.R.S.A. Chapter 19, (the title and chapter of the Revised Statutes Annotated dealing with engineers and the chapter referred to in 32 M.R.S.A. § 1306), is there any provision of law or reference to branches of specialization of registered professional engineers. The Board has recognized this as the first sentence of the foreword to its definitions, rules and regulations states:

"The Act makes no specific designations as to the branches of engineering practice for which certificates of registration shall be issued. . . ."

It is our opinion that any classification by branch of engineering authorized by the Board would be inconsistent with Chapter 19 of Title 32 of the Maine Revised Statutes Annotated and the intent of the Legislature.

There is no statutory authority for the promulgation of rule 3 by the Board. A listing of registered professional engineers which includes a classification by fields of specialization in the official publication of the Board exceeds the Board's statutory authority.

In view of the negative answer to question #1, the answer to question #2 is obvious.

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Assistant Attorney General

JBN/eh