

MAINE STATE LEGISLATURE

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Yes ✓

January 19, 1967

William H. Bradford, Secretary
Phillip M. Kilmister, Assistant

Board of Registration for
Professional Engineers
Attorney General

Advertising - Use of the words "Engineering and Designing."

FACTS:

A firm by advertisement holds itself out to the public as performing welding, and "engineering and designing services." The firm does not retain the services of a professional engineer registered pursuant to the state engineering licensing law.

ISSUE:

Is the use of the terminology "Engineering and Designing" by a company which does not retain the services of a registered professional engineer violative of the provisions of 32 M.R.S.A. Chapter 19?

ANSWER:

Yes.

Section 1256 of Title 32 of the Revised Statutes of Maine prohibits the practice of the profession of engineering in the State unless the practitioner is either registered or exempt from registration under the licensing statute. 32 M.R.S.A. § 1256 provides in part:

"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, . . . 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."

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It is likewise unlawful for a person who is not registered, or exempt from registration, under our license law, to use any titles or descriptive terminology which tend to convey to the public the impression that said individual is in fact a professional engineer.

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."

As noted in a previous opinion of this Office dated February 2, 1966, "the term engineering is a generic term which necessarily includes within its area of meaning 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." (Emphasis supplied.)

Although a firm or person might not actually undertake to practice architecture or engineering in a professional sense, and might perform non-professional engineering work without endangering the public safety or welfare, nevertheless the mere holding out to the public that such a person or firm may perform professional engineering work, is the evil which the Legislature clearly intended to forbid.

The Legislature possesses the power to regulate the profession of architecture and engineering in the interest of public safety and may deny, to all except those qualified, the right to advertise as architects or engineers.

William H. Bradford, Secretary

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January 20, 1967

The words "Engineering and Designing," standing alone, tend to convey the impression to the public that professional engineering services are being offered. We conclude that it is unlawful for a firm, which does not retain the services of a registered professional engineer, to advertise its services through the use of such terminology.

Phillip M. Kilmister
Assistant Attorney General

PMK/slf