

# MAINE STATE LEGISLATURE

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NOT A FORMAL OPINION

November 29, 1972

W. W. Litchfield, Secretary  
State Board of Registration  
for Professional Engineers  
State House  
Augusta, Maine

Dear Mr. Litchfield:

Your letter dated November 21, 1972, has been referred to me for reply. You have asked the question whether a specific Maine corporation may lawfully use the word "engineering" in its name and use that name on a sign outside its building when the corporation does not retain the services of a professional engineer registered by your Board.

Twice before in previous opinions of this office it was noted that "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." See Attorney General Opinions dated February 2, 1966, and January 20, 1967, copies attached. The facts giving rise to these two opinions involved advertising "engineering services" and "engineering and designing services" rather than merely the use of the word "engineering" in the corporate name that is the subject of your present inquiry. If a firm has a right to use the word "engineering" in its name, it must have the right also to use that chosen name such as on an identification sign, business cards, letterheads, etc. Thus, narrowly viewed the only question here is whether use of the word "engineering" in the name of a corporation violates 32 M.R.S.A. § 1351.

It is our opinion that use of the word "engineering" in a corporate name, without additional terminology negating the impression that the corporation offers professional engineering services, is in violation of 32 M.R.S.A. § 1351, where the corporation does not retain the services of a registered professional engineer and is not exempt from registration. "South Union Engineering Company" contains no wording in addition to "engineering" which would negate the holding out to the public of a spectrum of services, including professional engineering. Without some words of limitation upon the broad meaning of engineering within the name, such as "forestry engineering", "media engineering", "financial engineering", etc., which negate professional engineering as defined in 32 M.R.S.A. § 1251 sub-§3, use of "engineering" within a corporation or trade name is in violation of 32 M.R.S.A. § 1351.

Very truly yours,

JK/mf  
Enclosure

John Kendrick  
Assistant Attorney General