

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 208

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H. P. 157

House of Representatives, January 15, 1963

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Young of Gouldsboro.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT Providing for Registration of Land Surveyors.**

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**Sec. 1. R. S., c. 83, § 1, amended.** Section 1 of chapter 83 of the Revised Statutes is amended to read as follows:

**'Board of Registration for Professional Engineers and Land Surveyors.**

**Sec. 1. General provisions.** 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 ~~hereinafter provided; and it.~~ 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 ~~the provisions of~~ this chapter.

In order to safeguard the life, health or property of the public, the practice of land surveying in this State is declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice or offer to practice land surveying in the State, as defined in this chapter, or to use in connection with his name, or otherwise assume, or advertise any title or description tending to convey the impression that he is a land surveyor, unless such person has been duly registered or exempted under this chapter. Admission to practice land surveying shall be determined upon the basis of individual, personal qualifications.'

**Sec. 2. R. S., c. 83, § 2, sub-§ III amended.** Subsection III of section 2 of chapter 83 of the Revised Statutes is amended to read as follows:

**III. Board.** The term "board" shall mean the State Board of Registration for Professional Engineers and Land Surveyors ~~provided for by this chapter.~~

**Sec. 3. R. S., c. 83, § 2, sub-§§ V, VI, VII, additional.** Section 2 of chapter 83 of the Revised Statutes is amended by adding 3 new subsections, to be numbered V, VI and VII, to read as follows:

**V. Land surveying.** The term "land surveying" shall mean and shall include assuming responsible charge for and executing or both: The surveying of areas for their correct determination and description and for conveyancing; the establishment of corners, lines, boundaries and monuments; the platting of land and subdivisions thereof including, as required, the functions of topography, grading, street design, drainage and minor drainage structures, and extensions of sewer and water lines; the defining and location of corners, lines, boundaries and monuments of land after they have been established; and preparing the maps and accurate records and descriptions thereof.

**VI. Land surveyor.** The term "land surveyor" shall mean any person engaged in the practice of land surveying as defined.

**VII. Practice or offer to practice.** A person shall be construed to practice or offer to practice land surveying within the meaning and intent of this chapter, who engages in land surveying, or who by verbal claim, sign, letterhead, card or in any other way represents himself to be a land surveyor, or who represents himself as able to perform land surveying in this State.'

**Sec. 4. R. S., c. 83, § 3, amended.** The first sentence of section 3 of chapter 83 of the Revised Statutes is amended to read as follows:

'The State Board of Registration for Professional Engineers and Land Surveyors, as heretofore established, shall administer the provisions of this chapter.'

**Sec. 5. R. S., c. 83, § 4, amended.** Section 4 of chapter 83 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

'At least one member of the board shall be registered both as a professional engineer and as a land surveyor.'

**Sec. 6. R. S., c. 83, § 11-A, additional.** Chapter 83 of the Revised Statutes is amended by adding a new section 11-A, to read as follows:

'Sec. 11-A. Right to practice land surveying. The right to engage in the practice of land surveying shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his registration certificate and shall not be transferable. Any registered land surveyor may practice his profession through the medium of, or as a member or as an employee of, a partnership, firm or joint stock association, provided all such surveys are signed and stamped with the personal seal of the registered land surveyor in responsible charge. The registered surveyor signing and sealing such surveys shall be responsible, personally and professionally therefor, and his participation in any form of business organization such as a partnership, joint stock association or firm, either as a partner, principal or employee, shall not limit his individual liability and provided further than any partnership, joint stock association or firm through which said surveyor may practice shall be jointly and severally liable with any such surveyor.'

**Sec. 7. R. S., c. 83, §§ 12-A - 12-B, additional.** Chapter 83 of the Revised Statutes is amended by adding 2 new sections, to be numbered 12-A and 12-B, to read as follows:

**'Sec. 12-A. General requirements for registration as a land surveyor.** Any person who shall show, to the satisfaction of the board, that he is a person of good character and reputation and over the age of 21 years shall be eligible for registration as a land surveyor, providing he qualifies under one of the following provisions;

I. Registered by endorsement. A person holding a certificate of registration to engage in the practice of land surveying issued to him on the basis of a 16-hour written examination by proper authority of a state, territory, possession of the United States, or the District of Columbia, based on requirements and qualifications, as shown by his application, which, in the opinion of the board, are equal to or higher than the requirements of this chapter, may be registered at the discretion of the board.

II. Graduation and examination. A graduate from an accredited engineering or surveying curriculum of 4 years or more, approved by the board, followed by at least 4 years of land surveying experience, of a character satisfactory to the board; and who shall have passed a written examination of not less than 16 hours designed to show that he is qualified to practice land surveying, may be granted a certificate of registration to practice land surveying in this State, provided he is otherwise qualified. Each year of teaching land surveying in an accredited engineering or surveying curriculum may be considered as equivalent to one year of land surveying experience.

III. Experience and examination. An applicant having 8 years or more of active experience in land surveying, of a character satisfactory to the board, and who shall have passed a written examination of not less than 16 hours designed to show that he is qualified to practice land surveying, may be granted a certificate of registration to practice land surveying in this State, provided he is otherwise qualified. Each year of satisfactory work in an accredited engineering or surveying curriculum may be considered as equivalent to one year of experience in land surveying, but not exceeding a total of 4 years.

**Sec. 12-B. Registration as a land surveyor.** Any person eligible for registration, who within one year after the effective date of this act, files with his application for registration as a land surveyor, his affidavit stating that he was engaged in land surveying in this State within one year prior to the effective date of this act, and includes in the affidavit the name and address of at least 10 persons for each of whom he has surveyed separate, non-adjointing tracts, parcels, lots or plats of land within the past 5 years, together with records of such work, may be eligible for registration as a land surveyor, without written examination, and may be registered by the board provided he is otherwise qualified. It shall be shown on the registration certificate issued that the said applicant has complied with the requirements of this section. This section shall expire and be of no effect on and after one year next following the effective date of this act.'

**Sec. 8. R. S., c. 83, § 13-A, additional.** Chapter 83 of the Revised Statutes is amended by adding a new section 13-A, to read as follows:

**'Sec. 13-A. Applications and fees for registration as a land surveyor.** Application for registration as a land surveyor shall be made on forms provided by the board, to be signed and sworn to by the applicant. They shall contain statements made under oath, showing the applicant's education, experience record and any other pertinent information. References shall be furnished from 5 persons having knowledge of work done by the registrant, at least 3 of whom shall be registered land surveyors. Applications shall be filed with the secretary of the board and shall be accompanied by an application fee of not more than \$25. Should the board deny the issuance of a certificate of registration to any applicant, the fee paid shall be retained as an examination fee.'

**Sec. 9. R. S., c. 83, § 15, amended.** Section 15 of chapter 83 of the Revised Statutes is amended by adding at the end a new paragraph to read as follows:

**'Each registered land surveyor shall procure a personal seal, in form approved by the board, and shall affix his signature and the seal upon all maps, plats, surveys or other documents, before the delivery thereof to any client, or before offering to file a record of any such map, plat, survey or other document, in the office of the register of deeds of any county, or with any proper public authority.'**

**Sec. 10. R. S., c. 83, § 15-A, additional.** Chapter 83 of the Revised Statutes is amended by adding a new section 15-A, to read as follows:

**'Sec. 15-A. Duties of registers of deeds.** It shall be unlawful for the register of deeds of any county or any proper public authority to file or record any map, plat, survey or other document within the definition of land surveying, which does not have impressed thereon, and affixed thereto, the personal signature and seal of a registered land surveyor by whom the map, plat, survey or other document was prepared.'

**Sec. 11. R. S., c. 83, § 16-A, additional.** Chapter 83 of the Revised Statutes is amended by adding a new section 16-A, to read as follows:

**'Sec. 16-A. Renewals and fees, land surveyors.** Certificates of registration for land surveyors shall expire on the last day of December each year. All certificates shall be renewed on payment of a renewal fee of not more than \$3. If not renewed on or before the first day of January next following, the registration shall be suspended. Any registered land surveyor whose registration has expired or has been suspended may be reinstated if the board finds him qualified at the time of reinstatement, upon payment of double the regular fee, cumulative for the years intervening between expiration and renewal provided that the total fee shall not exceed the amount of the application fee.'

**Sec. 12. R. S., c. 83, § 20, sub-§ IV, amended.** Subsection IV of section 20 of chapter 83 of the Revised Statutes is amended to read as follows:

**'IV. 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 or the practice of land surveying for said government.'

**Sec. 13. R. S., c. 83, § 23, amended.** Section 23 of chapter 83 of the Revised Statutes is amended by adding 2 new paragraphs at the end to read as follows:

**'If the board finds, after a hearing, that any registered land surveyor secured his registration through the practice of fraud or deceit, or through false statement made in his application for his registration, or in any document subsequently filed, or in any oral testimony subsequently given in support of such application, or that he has been guilty of any gross negligence, incompetence or misconduct in the practice of land surveying, or has been convicted of any felony or crime involving moral turpitude, the board shall revoke the registration of the accused.**

**All of the provisions of this section relating to charges and hearings shall apply to registered land surveyors.'**

**Sec. 14. R. S., c. 83, § 24, amended.** The first paragraph of section 24 of chapter 83 of the Revised Statutes is amended to read as follows:

**'Any person who shall practice or offer to practice the profession of engineering in this State without being registered or exempted in accordance with the provisions of 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 as they relate to the practice of the profession of engineering or land surveying 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 such fine and imprisonment.'**