

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 377

S. P. 112

In Senate, January 23, 1975

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Registration and Practice of Professional Engineering.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 32 MRSA, § 1251, sub-§§ 3 and 4 are repealed and the following enacted in place thereof:

3. Practice of professional engineering. The term "practice of professional engineering" shall mean any professional service such as engineering surveying, consultation, investigation, evaluation, planning and design or responsible supervision of construction or operation in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the natural environment, public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

4. Professional engineer. The term "professional engineer" shall mean a person who, by reason of his knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, may engage in the practice of professional engineering when duly registered pursuant to this chapter.

Sec. 2. 32 MRSA, § 1255, sub-§ 1 is amended to read:

1. Limited practice by nonresident. A person not a resident of and having no established place of business in this State, practicing or offering to practice herein the profession of engineering when such practice does not exceed in the aggregate more than 30 consecutive days in any calendar year,

provided such person is legally qualified by registration to practice the said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter;

Sec. 3. 32 MRSA, § 1255, sub-§ 2, first sentence is amended to read:

A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 consecutive days in any calendar year the profession of engineering, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter.

Sec. 4. 32 MRSA, § 1256 is amended by adding after the first paragraph the following:

The board may bring a civil action to enjoin any person or corporation from violating any provision of this chapter.

Sec. 5. 32 MRSA, § 1306, first sentence is amended to read:

The board shall have the power to make all bylaws and rules, **including rules of professional conduct**, 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.

Sec. 6. 32 MRSA, § 1352, sub-§ 1, ¶ A, last ¶ is repealed and the following enacted in place thereof:

A person holding a certificate of qualification issued by the National Council of Engineering Examiners, whose qualifications meet the requirements of this chapter may, upon application, be registered without further examination.

Sec. 7. 32 MRSA, § 1352, sub-§ 1, ¶ D is amended to read:

D. Long established practice. An applicant with an experience record of at least 15 years of lawful practice in engineering work, of which at least 10 years have been in responsible jobs or important engineering work, and of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has passed an oral or an 8-hour written examination in the principles and practice of engineering, or who, in the judgment of the board, has attained eminence in the engineering profession, and is otherwise qualified, shall be registered to practice engineering in this State;

Sec. 8. 32 MRSA, § 1356, first ¶ is amended to read:

The board shall have the power to **suspend, refuse to renew or revoke** the registration of a registered professional engineer or the certificate of an engineer-in-training who is found guilty of:

Sec. 9. 32 MRSA, § 1356, sub-§ 3 is enacted to read:

3. Violation of rules of professional conduct. Any violation of the rules of professional conduct adopted and promulgated by the board. The rules

of professional conduct adopted by the board shall be made known in writing to every registrant and applicant for registration and shall be published in the roster provided for in section 1309. Such publication shall constitute due notice to registrants. The board may revise and amend the rules of professional conduct from time to time and shall forthwith notify each registrant in writing of such revision or amendments.

Sec. 10. 32 MRSA, § 1357 is repealed and the following enacted in place thereof:

§ 1357. Expiration and renewals

Certificates of registration shall expire on the last day of December of odd-numbered years following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this chapter of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for a 2-year period, except when the applicant has become registered during the first year of the 2-year period, then the renewal fee shall be for the remaining one year of that 2-year period. Such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee designated by the board, which shall not exceed \$15 annually nor be less than \$5 annually. The failure on the part of any registrant to renew his certificate by the end of the month of December as required shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased 10% for each month or fraction of a month that payment of renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal renewal fee for the period of delinquency.

STATEMENT OF FACT

The purpose of this bill is to update laws relating to the registration and practice of professional engineers.