

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 624

H.P. 459

House of Representatives, March 6, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.
Cosponsored by Senator CLARK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Make Surveyors Liable for Their Surveying Errors.



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

3 Sec. 1. 32 MRSA §1671, first ¶, as amended by PL 1983, c. 812,
5 §212, is further amended to read:

7 The State Board of Registration for Land Surveyors, as
9 established by Title 5, section 12004, subsection 1, shall
11 administer this chapter. The board shall consist of 6 7 members
13 appointed by the Governor, of which 5 3 shall be land surveyors
15 who have the qualifications required by section 1672 and one 4
17 shall be a ~~representative~~ representatives of the public, of whom
19 at least one shall be a consumer of land surveyor services.

21 Sec. 2. 32 MRSA §1671-A is enacted to read:

23 §1671-A. Transition

25 Beginning October 1, 1989, as each land surveyor member's
27 term expires, that person shall be replaced by a member of the
29 public, until such time as the board has 4 members from the
31 public.

33 Sec. 3. 32 MRSA §1692 is enacted to read:

35 §1692. Surveyor liability

37 If the board finds a land surveyor has violated the
39 provisions of this chapter, it may impose a civil penalty payable
41 to the aggrieved party for 3 times the damages caused by the land
43 surveyor's action and, in addition, for the cost of any
45 professional services necessary for the determination of damages,
47 for attorney's fees and for court costs. A penalty under this
section may be imposed only after a hearing conforming to Title
5, chapter 375, subchapter IV, and shall be subject to judicial
review exclusively in the Administrative Court.

STATEMENT OF FACT

39 The practice of land surveying is regulated by a state board
41 and surveyors are required to be registered based on certain
43 standards of education and experience. The board may revoke this
45 registration based on fraud, negligence or incompetence. This
47 bill allows the board to find a surveyor guilty of a civil
violation for these infractions and impose a penalty of 3 times
the damage caused by the surveyor's action. The bill also
changes the composition of the board from 5 surveyors and one
member of the public to 3 surveyors and 4 members of the public.