

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1618

S.P. 556

In Senate, March 2, 1999

An Act to Amend the Laws Regarding Professional Engineers.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CATHCART of Penobscot.

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

2
4 **Sec. 1. 32 MRSA §1255, sub-§1**, as amended by PL 1995, c. 355, §2, is further amended to read:

6 **1. Limited practice by nonresident.** A person not a
8 resident of and not having established a place of business in
10 this State, practicing or offering to practice the profession of
12 engineering when such practice does not exceed more than 30
14 consecutive days in any calendar year, if the person is legally
16 qualified by registration to practice the profession in that
 person's own state or ~~county~~ country in which the requirements
 and qualifications for obtaining a certificate of registration
 are not lower than those specified in this chapter. To practice
 under this section, the person must apply in writing and receive
 authorization ~~from the chair of the board.~~

18 **Sec. 2. 32 MRSA §1255, sub-§2**, as amended by PL 1995, c. 355,
20 §3, is further amended to read:

22 **2. Nonresident becoming resident.** A person not a resident
24 of and not having established a place of business in this State,
26 or who has ~~recently~~ become a resident of this State, practicing
28 or offering to practice in the State for more than 30 days in any
30 calendar year the profession of engineering, and having filed
32 with the board an application for a certificate of registration
34 and having paid the fee required by this chapter. The exemption
 continues only for such time as the board requires for the
 consideration of the application for registration, if the person
 is legally qualified to practice the profession of engineering in
 the state or ~~county~~ country of residence in which the
 requirements and qualifications for obtaining a certificate of
 registration are not lower than those specified in this chapter.

36 A person must apply in writing and receive authorization in order
to practice pursuant to the provisions of this subsection;

38 **Sec. 3. 32 MRSA §1302**, as amended by PL 1995, c. 355, §6, is
40 further amended to read:

42 **§1302. Qualifications**

44 Each member of the board must be a citizen of the United
46 States and a resident of this State, and each engineer member
48 must have been engaged in the practice of the profession of
50 engineering for at least 12 years and must have been in
52 responsible charge of engineering work for at least 5 years.
 ~~Responsible---charge---of---engineering---teaching~~ Teaching of
engineering courses in a college or university offering an
approved engineering curriculum of 4 years or more may be
construed as responsible charge of engineering work.

2 **Sec. 4. 32 MRSA §1307**, as amended by PL 1995, c. 355, §8, is
further amended to read:

4 The ~~secretary-of-the~~ board shall receive and account for all
6 money derived under this chapter and shall pay the money, as
provided by law, to the Treasurer of State, who shall keep the
8 money in a separate fund to be known as the "Professional
~~The-secretary-of-the-board-is-entitled-to~~
10 ~~eompensation-and-allowance-for-clerical-hire-as-approved-by-the~~
~~board,-in-addition-to-the-expenses-provided-for-in-section-1303.~~
12 The board may make other expenditures from this fund, upon
itemized vouchers approved by the chair of the board, that in the
14 opinion of the board are reasonably necessary for the proper
performance of its duties under this chapter.

16 **Sec. 5. 32 MRSA §1309**, as amended by PL 1995, c. 355, §9, is
further amended to read:

18 **§1309. Roster of registered engineers**

20 A roster showing the names of all active registered
22 professional engineers and newly certified engineer-interns is
prepared by ~~the-secretary-of~~ the board during the first calendar
24 quarter of each even-numbered year. A supplementary roster of
newly registered professional engineers and newly certified
26 engineer-interns is prepared by the ~~secretary-of-the~~ board during
the first calendar quarter of each odd-numbered year. The
28 rosters must give the place of business of each listed registered
engineer. Copies of the roster and of the supplementary roster
30 are mailed to each active engineer listed on the roster and
furnished to the public upon request for such fees as the board
32 may authorize in its rules.

34 **Sec. 6. 32 MRSA §1352**, as amended by PL 1995, c. 355, §11, is
repealed.

36 **Sec. 7. 32 MRSA §1352-A** is enacted to read:

38 **§1352-A. Qualifications**

40 To be eligible for registration as a professional engineer,
42 an applicant must submit 5 references with the application for
registration as a professional engineer, 3 of which must be
44 registered engineers having personal knowledge of the applicant's
engineering experience. To be eligible for certification as an
46 engineer-intern, an applicant must submit 3 character references
with the application for certification. Each applicant shall
48 demonstrate that the applicant is trustworthy and competent to
engage in the practice of engineering in such a manner as to
50 safeguard the interests of the public.

1. Professional engineer. Minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer includes the following.

A. An applicant for registration by endorsement or comity who provides proof that the applicant is a registered engineer, in good standing, in another state, territory or possession of the United States, District of Columbia or any foreign country and whose qualifications meet the requirements of this chapter upon application may be registered without further examination. To seek registration under this paragraph, the applicant must be a graduate of an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum and have not less than 4 years of acceptable engineering experience after graduation and have been registered by passing 16 hours of written examinations.

B. A person holding a certificate of record verification issued by the National Council of Examiners for Engineering and Surveying whose qualifications meet the requirements of this chapter upon application may be registered without further examination.

C. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum of 4 years or more; has passed an 8-hour written examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed an 8-hour written examination in the principles and practice of engineering may be registered as a professional engineer. An applicant for registration may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

D. An applicant who provides proof of graduation from an engineering technology curriculum approved by the technology accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering technology curriculum of 4 years or more; has passed an 8-hour written examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced

2 increased engineering responsibilities; and has passed an
3 8-hour written examination in the principles and practice of
4 engineering may be registered as a professional engineer.
5 An applicant for registration may not sit for the principles
6 and practice of engineering examination until the applicant
7 has passed the fundamentals of engineering examination.

8 E. An applicant who has a baccalaureate from an engineering
9 or engineering technology curriculum that has not been
10 approved by the accreditation board for engineering and
11 technology or from an allied science curriculum of 4 years
12 or more; has passed an 8-hour written examination in the
13 fundamentals of engineering; has a record of an additional 8
14 years or more of progressive engineering experience, after
15 graduation, of a grade and character that indicates to the
16 board that the applicant may be competent to practice and
17 has experienced increased engineering responsibilities; and
18 has passed an 8-hour written examination in the principles
19 and practice of engineering may be registered as a
20 professional engineer. An applicant for registration may
21 not sit for the principles and practice of engineering
22 examination until the applicant has passed the fundamentals
23 of engineering examination.

24 F. Until December 31, 2004, an applicant with a record of
25 at least 15 years of experience in engineering work, of
26 which at least 10 years has been in responsible jobs of
27 engineering work and of a grade and character that indicates
28 to the board that the applicant may be competent to practice
29 engineering, who has passed an 8-hour written examination in
30 the principles and practice of engineering and is otherwise
31 qualified may be registered as a professional engineer.

32 G. An applicant with a record of at least 15 years of
33 experience in engineering work, of which at least 10 years
34 has been in responsible jobs of engineering work and of a
35 grade and character that indicates to the board that the
36 applicant may be competent to practice engineering, who has
37 a certificate of registration to engage in the practice of
38 engineering on the basis of experience or a non-National
39 Council of Examiners for Engineering and Surveying
40 examination issued by a proper authority of a state,
41 territory or possession of the United States, the District
42 of Columbia or any foreign country and who in the opinion of
43 the board meets the requirements of this chapter based on
44 verified evidence may be registered upon application by
45 passing an oral examination conducted by the State Board of
46 Registration for Professional Engineers or by a board
47 committee.

48 H. An applicant with a record of less than 15 years of
49 experience in engineering work, who has a certificate of
50 experience in engineering work, who has a certificate of
51 experience in engineering work, who has a certificate of
52 experience in engineering work, who has a certificate of

2 registration to engage in the practice of engineering on the
4 basis of experience or a non-National Council of Examiners
6 of Engineering and Surveying examination issued by a proper
8 authority of a state, territory or possession of the United
10 States, the District of Columbia or any foreign country, may
12 be registered upon application by passing an 8-hour
14 examination in the principles and practice of engineering.

16 Beginning January 1, 2005, only an applicant meeting the
18 requirements of paragraph A, B, C, E, G or H qualifies to be
20 registered as a professional engineer.

22 Engineering teaching experience of 4 years or more in a college
24 or university offering an engineering or engineering technology
26 curriculum approved by the accreditation board for engineering
28 and technology may be considered as engineering experience.

30 2. Engineer-intern. Minimum evidence satisfactory to the
32 board that the applicant is qualified for certification as an
34 engineer-intern includes the following.

36 A. An applicant for certification as an engineer-intern is
38 eligible to sit for the fundamentals of engineering
40 examination during the applicant's senior year of college
42 before graduation from a program approved by the
44 accreditation board for engineering and technology.
46 Certification as an engineer-intern may not take place until
48 verification of graduation is received.

50 B. An applicant who provides proof of graduation from an
52 engineering curriculum approved by the engineering
54 accreditation commission of the accreditation board for
56 engineering and technology or of an equivalent engineering
58 curriculum of 4 years or more and has passed an 8-hour
60 written examination in the fundamentals of engineering may
62 be certified as an engineer-intern.

64 C. An applicant who provides proof of graduation from an
66 engineering technology curriculum approved by the technology
68 accreditation commission of the accreditation board for
70 engineering and technology of 4 years or more and has passed
72 an 8-hour written examination in the fundamentals of
74 engineering may be certified as an engineer-intern.

76 D. An applicant who is a graduate of an engineering
78 curriculum not approved by the accreditation board for
80 engineering and technology or an allied science curriculum
82 of 4 years or more and who has submitted a transcript
84 showing the completion of the minimum number of engineering
86 science and design credits as required in a curriculum
88 approved by the accreditation board for engineering and
90 technology and who has passed an 8-hour written examination

2 in the fundamentals of engineering may be certified as an
engineer-intern.

4 E. Until December 31, 2000, an applicant who does not have
6 a degree must submit 3 references, 2 of which must be from
8 registered engineers having personal knowledge of the
10 applicant's engineering experience, and must provide proof
12 of 8 years of progressive engineering experience acceptable
to the board and must pass an 8-hour written examination in
the fundamentals of engineering. That applicant may be
certified as an engineer-intern.

14 Beginning January 1, 2001, only an applicant meeting the
16 requirements of paragraph B, C or D may be certified as an
18 engineer-intern.

20 Certification as an engineer-intern is valid for an indefinite
22 period.

24 A person having the necessary qualifications prescribed in
26 this chapter is eligible for registration even though the person
28 may not be practicing the engineering profession at the time of
30 submitting an application.

32 **Sec. 8. 32 MRS** A §1354, as amended by PL 1995, c. 355, §13, is
34 further amended to read:

36 **§1354. Examinations**

38 Written-examinations Examinations must be held at such times
40 and places as the board determines. Examinations required on
42 fundamental engineering subjects may be taken as provided in
44 section 1352 1352-A. The principles and practices of engineering
46 examinations may not be taken until the applicant has completed a
48 period of engineering experience as set forth in section 1352
50 1352-A.

The passing grade on any examination is established by the
board. If an applicant receives a failing grade, that applicant
may be readmitted to 2 subsequent examinations upon payment of an
examination fee. An applicant who fails the examination a 3rd
time must present 3 new references and new documentation for each
subsequent request for reexamination satisfactory to the board
that the applicant has acquired additional education and
experience and is prepared to retake the examination. Upon
approval by the board and payment of the examination fee, that
applicant may be permitted to retake the examination.

Sec. 9. 32 MRS A §1356, 2nd ¶, as amended by PL 1995, c. 355,
§14, is further amended to read:

2 Any person may register a complaint of fraud, deceit, gross
negligence, incompetency or misconduct against any registered
4 professional engineer or any engineer-intern. These complaints
must be in writing, ~~sworn to by the person making them~~ signed by
6 the individual making the complaint and filed with the secretary
of the board.

8 **Sec. 10. 32 MRSA §1357**, as amended by PL 1991, c. 442, §7, is
further amended to read:

10 **§1357. Expiration and renewals**

12
14 Certificates of registration expire on the last day of
December of odd-numbered years following their issuance or
renewal and become invalid on that date unless renewed. ~~It is~~
16 ~~the duty of the secretary of the board to~~ The board shall notify
every person registered under this chapter of the date of the
18 expiration of that person's certificate and the amount of the fee
that is required for its renewal for a 2-year period, except when
20 the applicant has become registered during the first year of the
2-year period, then the renewal fee is for the remaining one year
22 of that 2-year period. The notice must be mailed at least one
month in advance of the date of the expiration of the
24 certificate. Renewal may be effected at any time after receipt
of notice by the payment of a fee established by the board,
26 according to its rules which may not exceed \$50 annually.
Registration may be renewed up to 90 days after the date of
28 expiration upon payment of a late fee of \$10 in addition to the
renewal fee. Any person who submits an application for renewal
30 more than 90 days after the registration renewal date is subject
to all requirements governing new applicants under this chapter,
32 except that the board may in its discretion, giving due
consideration to the protection of the public, waive examination
34 if the renewal application is made within 3 years from the date
of the expiration.

36 **Sec. 11. 32 MRSA §1359**, as amended by PL 1983, c. 413, §51,
38 is repealed.

40 **SUMMARY**

42
44 This bill revises the criteria for registration as a
professional engineer and certification as an engineer-intern.
46 The bill requires all applicants who are not registered in
another jurisdiction to pass the fundamentals of engineering
examination. The bill also contains minor clarifying changes to
48 the laws.