

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2005

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Legislative Document

No. 1548

S.P. 537

In Senate, April 5, 2005

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### An Act To Amend the Laws Concerning Registration of Engineers

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

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.  
Cosponsored by Representative FARRINGTON of Gorham and  
Representatives: O'BRIEN of Lewiston, RECTOR of Thomaston, ROBINSON of Raymond.

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

2           **Sec. 1. 5 MRSA §12004-A, sub-§16**, as amended by PL 1999, c.  
4       687, Pt. B, §1, is further amended to read:

6           **16.** State Board           \$35/Day           32 MRSA §1301  
8       of ~~Registration~~ Licensure  
      for Professional Engineers

10           **Sec. 2. 32 MRSA §1251, sub-§1** is amended to read:

12           **1. Board.** ~~The term "board" shall mean~~ "Board" means the  
14       State Board of ~~Registration~~ Licensure for Professional Engineers.

16           **Sec. 3. 32 MRSA §1253**, as amended by PL 1983, c. 413, §40, is  
      further amended to read:

18       **§1253. Corporations, partnerships and associations**

20           A firm, copartnership, corporation or joint stock  
22       association may engage in the practice of professional  
      engineering in this State, provided that the practice is carried  
24       on only by professional engineers ~~registered~~ licensed in this  
      State.

26           **Sec. 4. 32 MRSA §1254**, as repealed and replaced by PL 1997,  
      c. 304, §1, is amended to read:

28       **§1254. Public works**

30           **1. Use of licensed professional engineer not required.**  
32       Except as provided in subsection 2, any department of this State  
34       or any of its political subdivisions, or any county, city, town,  
      township or plantation may engage in construction of any public  
36       work involving professional engineering without procuring the  
      services of a ~~registered~~ licensed professional engineer, as long  
38       as the contemplated expenditure for the completed project does  
      not exceed \$100,000 and the work, both as performed and as  
40       completed, does not create an undue risk to public safety or  
      welfare.

42           **2. Exception.** A department of this State may require the  
44       services of a ~~registered~~ licensed professional engineer for any  
      public works project if the services of the professional engineer  
      are required to comply with any provision of law or rule.

46           **Sec. 5. 32 MRSA §1255, sub-§1**, as amended by PL 1999, c. 186,  
48       §1, is further amended to read:

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

**Sec. 6. 32 MRSA §1255, sub-§2**, as amended by PL 1999, c. 186, §2, is further amended to read:

2. **Nonresident becoming resident.** A person not a resident of and not having established a place of business in this State, or who has become a resident of this State, practicing or offering to practice in the State for more than 30 days in any calendar year the profession of engineering, and having filed with the board an application for a ~~certificate-of-registration~~ license 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~~ licensure, if the person is legally qualified to practice the profession of engineering in the state or country of residence in which the requirements and qualifications for obtaining a ~~certificate-of-registration~~ license are not lower than those specified in this chapter.

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

**Sec. 7. 32 MRSA §1255, sub-§3**, as amended by PL 1995, c. 355, §3, is further amended to read:

3. **Certain employees.** An employee or a subordinate of a person holding a ~~certificate-of-registration~~ license under this chapter, or an employee of a person exempted from ~~registration~~ licensure by subsections 1 and 2, provided that the practice does not include responsible charge or design or supervision by the employee or subordinate;

**Sec. 8. 32 MRSA §1255, sub-§5** is amended to read:

5. **Interstate commerce corporation employees.** An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled

2 "Communications Act of 1934" approved June 9, 1934, while working  
solely as an employee of such corporation. An officer or employee  
4 of such corporation customarily in responsible charge of the  
engineering work of such corporation within this State shall must  
6 be a ~~registrant licensee~~ under this chapter.;

8 **Sec. 9. 32 MRSA §1255, sub-§6**, as enacted by PL 1975, c. 760,  
§5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended  
10 to read:

12 **6. Subsurface sewage disposal.** Persons who have been  
licensed by the Department of Health and Human Services pursuant  
14 to Title 22, section 42, subsection 3-A, solely for the purpose  
of work relating to subsurface sewage disposal systems. This  
16 exemption shall does not apply to the board's power to ~~register,~~  
license or to revoke, suspend or refuse to renew the ~~registration~~  
18 license of any ~~registrant, licensee;~~ and

20 **Sec. 10. 32 MRSA §1255, sub-§7**, as enacted by PL 2003, c. 34,  
§1, is amended to read:

22 **7. Person who performs work on certain vessels.** A person  
who performs design work only on vessels under 200 feet long,  
24 except commercial vessels or vessels used for public conveyances.

26 **Sec. 11. 32 MRSA §1256, first ¶**, as amended by PL 2001, c. 421,  
Pt. B, §95 and affected by Pt. C, §1, is further amended to read:

28 A person who practices or offers to practice the profession  
30 of engineering in this State without being ~~registered~~ licensed or  
exempted in accordance with this chapter, or a person presenting  
32 or attempting to use the ~~certificate-of-registration~~ license or  
the seal of another, or a person who gives a false or forged  
34 evidence of any kind to the board or to a member of the board in  
obtaining a ~~certificate-of-registration~~ license, or a person who  
36 falsely impersonates any other ~~registrant~~ licensee of like or  
different name, or a person who attempts to use an expired or  
38 revoked ~~certificate-of-registration~~ license, or a person who  
violates any of the provisions of this chapter for which a  
40 penalty has not been prescribed commits a civil violation for  
which a ~~forfeiture~~ fine of not more than \$1,000 may be adjudged.

42 **Sec. 12. 32 MRSA c. 19, sub-c. 2**, as amended, is further amended  
44 by repealing the subchapter headnote and enacting the following  
in its place:

46 **SUBCHAPTER 2**

48 **STATE BOARD OF LICENSURE**

2       **Sec. 13. 32 MRSA §1301, first ¶**, as amended by PL 1995, c. 355,  
3       §5, is further amended to read:

4  
5       The State Board of ~~Registration~~ Licensure for Professional  
6       Engineers, as established by Title 5, section 12004-A, subsection  
7       16, administers this chapter. The board consists of 7 members.  
8       Six members are appointed by the Governor, of which 6 5 must be  
9       professional engineers who have the qualifications required by  
10      section 1302 and one must be a representative of the public  
11      member. The 7th member is the Chief Engineer of the Department  
12      of Transportation who shall serve as an ex officio voting  
13      member. To the extent that qualified nominees are available,  
14      appointment of nonpublic members are must be made to ensure that  
15      a variety of engineering disciplines are represented. Nominees  
16      for appointment may be recommended to the Governor by  
17      representative engineering societies in the State.

18  
19       **Sec. 14. 32 MRSA §1305**, as repealed and replaced by PL 1983,  
20      c. 413, §44, is amended to read:

21       **§1305. Organization and meetings**

22  
23       The board shall meet at least once a year to conduct its  
24      business and to elect its officers. Additional meetings ~~shall~~  
25      must be held as necessary to conduct the business of the board,  
26      and may be convened at the call of the ~~chairman~~ chair or a  
27      majority of the board members.

28  
29       The board shall elect or appoint annually a ~~chairman,~~  
30      ~~vice-chairman and secretary~~ chair and vice-chair. A quorum of  
31      the board ~~shall consist~~ consists of not less than 4 members. The  
32      board may adopt and have an official seal.

33  
34       **Sec. 15. 32 MRSA §1306, sub-§1**, as enacted by PL 1983, c. 413,  
35      §45, is amended to read:

36  
37       **1. Licenses; enforcement.** The board shall evaluate the  
38      qualifications and supervise the examination of applicants for  
39      licensure under this chapter, ~~and shall investigate or cause to~~  
40      ~~be investigated all complaints made to it and all cases of~~  
41      ~~noncompliance with this chapter.~~ The board may order an  
42      investigation of a licensee on its own motion or on written  
43      complaint filed with the board regarding noncompliance with or  
44      violation of any section of this chapter or of any rules adopted  
45      by the board.

46  
47       **Sec. 16. 32 MRSA §1306, sub-§3**, as amended by PL 1995, c. 355,  
48      §7, is further amended to read:

2           **3. Hearings.** Hearings may be conducted by the board to  
3 assist with investigations, to determine whether grounds exist  
4 for suspension, revocation or denial of a license, or as  
5 otherwise considered necessary to the fulfillment of its  
6 responsibilities under this chapter.

7  
8           The board may not refuse to renew a license for any reason other  
9 than failure to pay a required fee and failure to meet the  
10 continuing education requirements, unless it has afforded the  
11 licensee an opportunity for an adjudicatory hearing. The board  
12 shall hold an adjudicatory hearing at the written request of any  
13 person who is denied a license without a hearing for any reason  
14 other than failure to pay a required fee, provided that the  
15 request for hearing is received by the board within 30 days of  
16 the applicant's receipt of written notice of the denial of the  
17 application, the reasons for the denial and the right to request  
18 a hearing. Hearings must be conducted in conformity with Title 5,  
19 chapter 375, subchapter IV 4 to the extent applicable. The board  
20 may subpoena witnesses, records and documents in any hearing it  
conducts.

22           **Sec. 17. 32 MRSA §1308, 2nd ¶**, as corrected by RR 1993, c. 1,  
23 §82, is amended to read:

24  
25           Not later than August 1st of each year, the board shall  
26 submit to the Commissioner of Professional and Financial  
27 Regulation a report of its transactions of the preceding fiscal  
28 year ending June 30th and shall transmit to the commissioner a  
29 complete statement of the receipts and expenditures of the board,  
30 attested by affidavits of its chair ~~and its secretary~~.

32           **Sec. 18. 32 MRSA §1309**, as amended by PL 1999, c. 186, §5, is  
33 further amended to read:

34           **§1309. Roster of licensed professional engineers**

35  
36           A roster showing the names of all active ~~registered~~ licensed  
37 professional engineers and newly certified engineer-interns is  
38 prepared by the board during the first calendar quarter of each  
39 even-numbered year. A supplementary roster of newly ~~registered~~  
40 licensed professional engineers and newly certified  
41 engineer-interns is prepared by the board during the first  
42 calendar quarter of each odd-numbered year. The rosters must  
43 give the place of business of each listed ~~registered~~ licensed  
44 professional engineer. Copies of the roster and of the  
45 supplementary roster are ~~mailed~~ provided to each active  
46 professional engineer listed on the roster and furnished to the  
47 public upon request for such fees as the board may authorize in  
48 its rules.  
49  
50

**Sec. 19. 32 MRSA c. 19, sub-c. 3, as amended, is further amended**  
by repealing the subchapter headnote and enacting the following  
in its place:

### SUBCHAPTER 3

**LICENSURE**

**Sec. 20. 32 MRSA §1351**, as amended by PL 1995, c. 355, §10, is further amended to read:

**§1351. Licensure required**

In order to safeguard life, health and property, any person practicing or offering to practice the profession of engineering is required to submit evidence of qualification to practice the profession of engineering and must be registered licensed as provided. It is unlawful for any person to practice or to offer to practice the profession of engineering in the State or to use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that the person is a professional engineer, unless that person has been duly registered licensed or exempted under this chapter.

**Sec. 21. 32 MRSA §1352-A**, as enacted by PL 1999, c. 186, §7,  
is amended to read:

### **§1352-A. Qualifications**

To be eligible for registration licensure as a professional engineer, an applicant must submit 5 references with the application for registration licensure as a professional engineer, 3 of which must be registered from licensed professional engineers from this State or another state, territory or possession of the United States, District of Columbia or any foreign country having personal knowledge of the applicant's engineering experience. To be eligible for certification as an engineer-intern, an applicant must submit 3 character references with the application for certification. Each applicant shall demonstrate that the applicant is trustworthy and competent to engage in the practice of professional engineering in such a manner as to safeguard the interests of the public.

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



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

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

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

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

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

10 E. An applicant who has a baccalaureate from an engineering  
12 or engineering technology curriculum that has not been  
14 approved by the accreditation board for engineering and  
16 technology or from an allied science curriculum of 4 years  
18 or more; has passed an 8-hour written examination in the  
fundamentals of engineering; has a record of an additional 8  
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  
20 has passed an 8-hour written examination in the principles  
and practice of engineering may be ~~registered~~ licensed as a  
22 professional engineer. An applicant for ~~registration~~  
licensure may not sit for the principles and practice of  
24 engineering examination until the applicant has passed the  
fundamentals of engineering examination.

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

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

2           ~~State-Board-of-Registration-for-Professional-Engineers~~ board  
or by a board committee.

4           H. An applicant with a record of less than 15 years of  
experience in engineering work, who has a ~~certificate-of~~  
6           registration license to engage in the practice of  
engineering on the basis of experience or a non-National  
8           Council of Examiners of Engineering and Surveying  
examination issued by a proper authority of a state,  
10          territory or possession of the United States, the District  
of Columbia or any foreign country, may be ~~registered~~  
12          licensed upon application by passing an 8-hour examination  
in the principles and practice of engineering.

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

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

24           **2. Engineer-intern.** Minimum evidence satisfactory to the  
board that the applicant is qualified for certification as an  
26          engineer-intern includes the following.

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

36           B. An applicant who provides proof of graduation from an  
engineering curriculum approved by the engineering  
38          accreditation commission of the accreditation board for  
engineering and technology or of an equivalent engineering  
40          curriculum of 4 years or more and has passed an 8-hour  
written examination in the fundamentals of engineering may  
42          be certified as an engineer-intern.

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

2 D. An applicant who is a graduate of an engineering  
3 curriculum not approved by the accreditation board for  
4 engineering and technology or an allied science curriculum  
5 of 4 years or more and who has submitted a transcript  
6 showing the completion of the minimum number of engineering  
7 science and design credits as required in a curriculum  
8 approved by the accreditation board for engineering and  
9 technology and who has passed an 8-hour written examination  
10 in the fundamentals of engineering may be certified as an  
11 engineer-intern.

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

20 ~~Beginning--January--1,--2001,--only--an--applicant--meeting--the~~  
21 ~~requirements--of--paragraph-B,--C--or--D--may--be--certified--as--an~~  
22 ~~engineer-intern.~~

23 Certification as an engineer-intern is valid for an indefinite  
24 period.

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

29 **Sec. 22. 32 MRSA §1353,** as corrected by RR 1999, c. 1, §44,  
30 is amended to read:

31 **§1353. Application; fees**

32 Application for registration licensure as a professional  
33 engineer or certification as an engineer-intern is on a form  
34 prescribed and furnished by the board; contains statements made  
35 under oath, showing the applicant's education and a detailed  
36 summary of the applicant's technical experience, and contains  
37 references as set forth in section 1352-A, none of ~~whom~~ which may  
38 be from members of the board. An application fee and an  
39 examination fee may be established by rule by the board in  
40 amounts that are reasonable and necessary for their respective  
41 purposes.

42

2       The registration licensure fee for professional engineers  
must be established by rule by the board in an amount not to  
exceed \$200.

4  
6       The registration fee for engineer-intern certification or  
enrollment must be established by rule by the board in an amount  
not to exceed 1/2 of the registration licensure fee for  
8 professional engineers.

10       **Sec. 23. 32 MRSA §1355** is amended to read:

12       **§1355. Licenses; seals**

14       The board shall issue a certificate-of-registration license  
upon payment of registration the licensure fee as provided for in  
16 this chapter, to any applicant who, in the opinion of the board,  
has satisfactorily met all the requirements of this chapter. The  
18 ~~certificate shall authorize~~ license authorizes the practice of  
"professional engineering." ~~Certificates--of--registration--shall~~  
20 Licenses must show the full name of the registrant licensee,  
shall have a serial number and shall be signed by the chairman  
22 and the secretary chair of the board under seal of the board.

24       The issuance of a certificate-of-registration license by the  
board shall--be is evidence that the person named therein is  
26 entitled to all the rights and privileges of a registered  
licensed professional engineer while the said--certificate the  
28 license remains unrevoked or unexpired.

30       Each registrant licensee upon registration licensure may  
obtain a seal of the design authorized by the board, bearing the  
32 registrant's licensee's name and the legend "registered licensed  
professional engineer." Plans, specifications, plats and reports  
34 issued by a registrant--shall licensee must be stamped with the  
said seal, as prescribed in the rules of the board, during the  
36 life of the registrant's--certificate licensee's license, but it  
shall--be is unlawful for anyone to stamp or seal any document  
38 with said the seal after the certificate license of the  
registrant licensee named thereon has expired or has been  
40 revoked, unless said--certificate--shall--have the license has been  
renewed or reissued.

42  
44       **Sec. 24. 32 MRSA §1356**, as amended by PL 1999, c. 547, Pt. B,  
§61 and affected by §80, is further amended to read:

46       **§1356. Revocation and reissuance**

48       The board may suspend or revoke the registration license of  
an engineer or the certificate of an engineer-intern pursuant to  
50 Title 5, section 10004. The board may refuse to issue or renew or

the District Court, pursuant to Title 4, chapter 5, may revoke, suspend or refuse to renew the ~~registration~~ license of a ~~registered~~ licensed professional engineer or the certificate of an engineer-intern who is found guilty of:

1. **Fraud or deceit.** The practice of any fraud or deceit in obtaining a ~~certificate-of-registration~~ license as professional engineer or a certificate as an engineer-intern;

2. **Negligence or misconduct.** Any gross negligence, incompetency or misconduct in the practice of professional engineering as a ~~registered~~ licensed professional engineer or as an engineer-intern; or

3. **Violations.** Violating any provision of this chapter or any rule of the board.

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

The board, for reasons it may determine sufficient, may reissue a ~~certificate-of-registration-as~~ license to a professional engineer or as a certificate to an engineer-intern to any person whose license or certificate has been revoked, provided that 4 or more members of the board vote in favor of that reissuance. A new ~~certificate-of-registration~~ license as a professional engineer or certificate as an engineer-intern, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board and a charge established by the board.

**Sec. 25. 32 MRSA §1357**, as amended by PL 1999, c. 186, §10, is further amended to read:

**§1357. Expiration and renewals**

~~Certificates-of-registration~~ Licenses expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed. The board shall notify every person ~~registered~~ licensed under this chapter of the date of the expiration of that person's ~~certificate~~ license and the amount of the fee that is required for its renewal for a 2-year period, except when the applicant has become ~~registered~~ licensed during the first year of the 2-year period, then the renewal fee is for the remaining one year of that 2-year period. The notice must be mailed at least one month in advance of the date of the expiration of the ~~certificate~~

license. Renewal may be effected at any time after completion of continuing education requirements and after receipt of notice by the payment of a fee established by rule by the board, according to its rules which may not exceed \$50 annually. Registration Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the registration license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration.

Sec. 26. 32 MRSA §1358, as amended by PL 1995, c. 355, §15, is further amended to read:

**§1358. Exemptions from expiration and renewal fees**

A person holding a valid ~~certificate-of-registration~~ license under this chapter on the date of entering employment in the Armed Forces of the Government of the United States during a period of war or employment in any wartime service outside of the continental United States, governmental or otherwise, under the United States or any of its allied nations is exempt, for the duration of that employment, from the payment of all renewal fees, and the ~~registrant's-certificate-of-registration licensee's~~ license remains in full force until the next regular renewal date following the termination of that employment.

Sec. 27. 32 MRSA §1361, as enacted by PL 1995, c. 355, §17, is amended to read:

**§1361. Retired status**

A ~~registrant~~ licensee who has terminated practice of engineering may apply to the board for retired status. Upon receiving an application for retired status, accompanied by the fee established by the board, the board shall issue a certificate of retired status to the applicant and record the applicant's name in the roster as a retired ~~registrant~~ licensee, along with the date of retired status.

A retired ~~registrant~~ licensee may retain but not use the seal and may not practice engineering. The board shall reissue a ~~certificate-of-registration~~ license to a retired ~~registrant~~ licensee who pays all application fees, meets all current requirements for ~~registration~~ licensure renewal and demonstrates to the board's satisfaction that, for 2 years preceding the application for ~~registration~~ licensure, the retired ~~registrant~~

licensee met the requirements for maintaining professional competence established under the board rules.

Sec. 28. 32 MRSA §1362, as enacted by PL 2003, c. 94, §1, is amended to read:

**§1362. Continuing professional education**

1. **Requirement for renewal.** Beginning with registrations or licenses that expire in December 2005, every person seeking renewal under section 1357 must provide evidence satisfactory to the board that the person has completed 30 continuing professional education hours within the period for which the registration or license was issued.

2. **Failure to meet requirement.** The board may not renew a registration to license of an applicant who fails to meet the continuing professional education requirements under subsection 1. If an applicant subsequently fulfills the requirement after the registration license has expired, the board may renew the registration license for the remainder of the 2-year period for which a renewal would have been valid but for the applicant's failure to meet the continuing professional education requirement.

3. **Review; monitoring.** The board shall annually review and monitor compliance with the continuing professional education requirement under subsection 1.

4. **Exemptions.** Notwithstanding any other provisions of this chapter, the board or a 3-person committee of the board may allow an exemption or a partial exemption of the requirements of this section to a person seeking renewal under section 1357 upon the showing of an extenuating situation, hardship or disability.

**Sec. 29. Transition; board members.** Notwithstanding the Maine Revised Statutes, Title 32, section 1301, members of the State Board of Registration for Professional Engineers on the effective date of this Act continue to serve on the State Board of Licensure for Professional Engineers until the terms for which they were elected expire.

**Sec. 30. Transition; existing certificates.** A valid certificate of registration pursuant to the Maine Revised Statutes, Title 32, chapter 19 issued before the effective date of this Act continues to be valid and may be renewed unless suspended or revoked under Title 32, section 1356.



## SUMMARY

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4       This bill changes the name of the board from "State Board of  
6       Registration for Professional Engineers" to "State Board of  
8       Licensure for Professional Engineers" and changes all references  
10      to "certificate of registration" to "license." It also codifies  
12      the practice of having the Chief Engineer of the Department of  
Transportation serve as an ex officio voting member of the  
board. It authorizes the board to grant hardship exemptions to  
licensees who are unable to fulfill continuing education  
requirements. It deletes outdated provisions no longer in  
effect. Finally, it changes the title of chairman to chair and  
vice-chairman to vice-chair.