

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1754

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H.P. 1249

House of Representatives, May 16, 2019

### An Act To Amend the Geologist and Soil Scientist Licensing Laws

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

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HIGGINS of Dover-Foxcroft.

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

2 **Sec. 1. 5 MRSA §12004-A, sub-§19**, as amended by PL 1999, c. 687, Pt. B, §1,  
3 is further amended to read:

4 **19.**

5 State Board of ~~Certification~~ \$35/Day 32 MRSA §4907  
6 Licensure for Geologists and  
7 Soil Scientists

8 **Sec. 2. 10 MRSA §8001, sub-§38, ¶O**, as enacted by PL 1995, c. 397, §11, is  
9 amended to read:

10 O. State Board of ~~Certification~~ Licensure for Geologists and Soil Scientists;

11 **Sec. 3. 12 MRSA §549-B, sub-§7, ¶A**, as enacted by PL 1985, c. 201, §2, is  
12 amended to read:

13 A. Any person with a valid recorded exploration claim in accordance with this  
14 subchapter may make application for a mining lease to the director of the agency  
15 having jurisdiction over the state lands on which the mining lease is sought. The  
16 application ~~shall~~ must be accompanied by a report from a certified or licensed  
17 geologist or mining engineer containing all information of a geologic, engineering  
18 and operational nature ~~which~~ that is required by the director of the survey or the  
19 director of the agency having jurisdiction over the state lands on which the mining  
20 lease is sought to properly evaluate the application and an accurate survey of the  
21 property boundaries certified by a registered surveyor and evidence of ability to  
22 finance the proposed mining operations.

23 **Sec. 4. 32 MRSA §4901**, as enacted by PL 1973, c. 558, §1, is amended to read:

24 **§4901. Title**

25 This chapter may be cited as the "Geologists and Soil Scientists ~~Certification~~  
26 Licensing Act."

27 **Sec. 5. 32 MRSA §4902**, as amended by PL 2007, c. 402, Pt. S, §1, is further  
28 amended to read:

29 **§4902. Definitions**

30 As used in this chapter, unless a different meaning clearly appears from the context,  
31 the following words ~~shall~~ have the following meanings.

32 **1. Board.** "Board" ~~shall mean~~ means the State Board of ~~Certification~~ Licensure for  
33 Geologists and Soil Scientists.

34 **1-A. Approved.** "Approved" means approved by the board.

1           **2. Licensed geologist.** "~~Certified~~ Licensed geologist" means a person entitled under  
2 this chapter to take and use the title "licensed geologist."

3           **3. Licensed soil scientist.** "~~Certified~~ Licensed soil scientist" means a person entitled  
4 under this chapter to take and use the title "licensed soil scientist."

5           **4. Geologist.** "Geologist" means a person engaged in the practice of geology.

6           **5. Geology.** "Geology" means ~~that~~ the science ~~which~~ that treats of the earth as a  
7 whole; the investigation of its composition, its size, shape and relationships between  
8 consolidated and unconsolidated rock units in the regolith and bedrock; and the applied  
9 aspects of utilizing knowledge of the earth and its constituents; including its consolidated  
10 and unconsolidated rock units, its minerals, liquids, gases and other materials for the  
11 benefit of ~~mankind~~ humankind.

12           ~~**6. Pedology.** "Pedology" shall mean that aspect of soil science which involves,~~  
13 ~~among others, the nature, properties, formation, classification, functioning behavior and~~  
14 ~~response to use and management of soils; it shall include the mapping and identification~~  
15 ~~of soils, and the interpretation of soil properties. Pedology centers on soils as the~~  
16 ~~biochemically weathered part of the earth's crust, the collection of natural bodies on the~~  
17 ~~earth's surface, supporting plants, with a lower limit at the deeper of either the~~  
18 ~~unconsolidated mineral or organic material lying within the zone of rooting of the native~~  
19 ~~perennial plants; or where horizons impervious to roots have developed the upper few~~  
20 ~~feet of the earth's crust having properties differing from the underlying rock material as a~~  
21 ~~result of interactions between climate, living organisms, parent material and relief.~~

22           **7. Practice of geology.** "Practice of geology" means the performance of geological  
23 work or service for the public, including, but not limited to, consultation, investigation,  
24 surveys, evaluation, planning, mapping or inspection of geological work, wherein the  
25 performance is related to the public welfare or the safeguarding of life, health, property  
26 and the environment.

27           **8. Practice of soil science.** "Practice of soil science" ~~shall be held to mean~~ means  
28 any professional service which that requires the application of ~~pedological~~ soil science  
29 principles and data. Such professional service "Practice of soil science" includes  
30 identification and mapping of soils according to the standards of the National Cooperative  
31 Soil Survey, consultation or evaluation.

32           **9. Qualified soil scientist.** "Qualified soil scientist" ~~shall mean~~ means a person who;  
33 ~~by reason of his knowledge of pedology, the biological and physical sciences, acquired~~  
34 ~~by professional education and practical experience, is qualified to engage in the practice~~  
35 ~~of soil science as defined~~ possesses the qualifications required for licensure as described  
36 in section 4909, subsection 2-B but is not licensed under this chapter.

37           **10. Qualified geologist.** "Qualified geologist" means a person who possesses the  
38 qualifications ~~specified for certification, except that he is~~ required for licensure as  
39 described in section 4909, subsection 2 but is not certified licensed under this chapter.

1           **11. Responsible charge of work.** "Responsible charge of work" means the  
2 independent control and direction by the use of initiative, skill and independent judgment  
3 of work or the supervision of such work.

4           **12. Subordinate.** "Subordinate" means any person who assists a ~~certified~~ licensed  
5 geologist or soil scientist without assuming the responsible charge of work.

6           **Sec. 6. 32 MRSA §4904**, as amended by PL 1985, c. 785, Pt. B, §142, is further  
7 amended to read:

8           **§4904. Corporations, partnerships, associations and government agencies**

9           This chapter does not prohibit one or more geologists or soil scientists from  
10 practicing through the medium of a sole proprietorship, partnership, corporation or  
11 government agency. In such partnership or corporation whose primary activity consists  
12 of geological services, or in a government agency in which geological work is done, at  
13 least one partner, officer or employee ~~shall~~ must be a ~~certified~~ licensed geologist. In such  
14 partnership or corporation whose primary activity consists of soil science services, or in a  
15 government agency in which soil science work is done, at least one partner, officer or  
16 employee ~~shall~~ must be a ~~certified~~ licensed soil scientist. In the case of an agency of  
17 State Government, the Department of Administrative and Financial Services, Bureau of  
18 Human Resources shall classify officers and employees under the Civil Service Law in a  
19 manner that ensures that at least one ~~certified~~ licensed geologist or soil scientist ~~shall~~  
20 work works for each agency in which, as the case may be, geological or soil science work  
21 is done and that any officer or employee who is engaged in the practice of geology or soil  
22 science and who is ~~uncertified~~ not licensed works as a subordinate to a ~~certified~~ licensed  
23 geologist or soil scientist, as the case may be, and does not have responsible charge of  
24 work or evaluation.

25           **Sec. 7. 32 MRSA §4906**, as amended by PL 2007, c. 402, Pt. S, §3, is further  
26 amended to read:

27           **§4906. Exemptions**

28           The following persons are exempt from the license requirement imposed by this  
29 chapter:

30           **1. Nonresident practicing less than 30 days.** A person not a resident of and having  
31 no established place of business in this State, practicing or offering to practice in the  
32 profession of geologist or soil scientist when that practice does not exceed in the  
33 aggregate more than 30 days in any calendar year, ~~provided as long as~~ that the person is  
34 ~~legally qualified by registration~~ licensed to practice the profession in ~~his~~ the person's own  
35 state or country in which the requirements and qualifications for obtaining a ~~certificate or~~  
36 ~~registration~~ license are equivalent to those specified in this chapter;

37           **2. Nonresident becoming resident or persons practicing more than 30 days.** A  
38 person not a resident of and having no established place of business in this State, or who  
39 has recently become a resident thereof, practicing or offering to practice for more than 30  
40 days in any calendar year in the profession of geologist or soil scientist, ~~if he has filed~~

1 ~~with the commission~~ as long as the person submitted an application for a ~~certification~~  
2 ~~licensure~~ and has paid the fee required by this chapter. The exemption ~~shall continue~~  
3 ~~continues~~ only for such time as the board requires for the consideration of the ~~licensure~~  
4 ~~application for registration~~, ~~provided that such a~~ as long as the person is legally qualified  
5 to practice that profession in his ~~the person's~~ own state or country in which the  
6 requirements and qualifications for obtaining a ~~certificate of registration~~ ~~license~~ are  
7 equivalent to those specified in this chapter;

8 **3. Certain employees.** An employee, associate or subordinate of a person holding a  
9 ~~certificate of registration under this chapter~~, ~~license issued by the board~~ or an employee  
10 of a person ~~exempted~~ ~~exempt~~ from ~~registration~~ ~~licensure~~ by subsections 1 and 2; ~~provided~~  
11 ~~that~~ ~~as long as~~ the work of all such employees, associates or subordinates does not  
12 include responsible charge of work or evaluation; and

13 **4. United States Government employees.** Officers and employees of the  
14 Government of the United States while engaged within this State in the practice of the  
15 profession of geologist or soil scientist for the government.

16 **Sec. 8. 32 MRSA §4906-A**, as amended by PL 2007, c. 402, Pt. S, §4, is further  
17 amended to read:

18 **§4906-A. Subsurface wastewater disposal**

19 Persons who have been licensed ~~by the Department of Professional and Financial~~  
20 ~~Regulation~~ pursuant to Title 22, section 42, subsection 3-A to evaluate soil for subsurface  
21 ~~sewage~~ ~~wastewater~~ disposal are exempt from the license requirement if their soil  
22 evaluation work relates solely to subsurface ~~sewage~~ ~~wastewater~~ disposal systems.

23 **Sec. 9. 32 MRSA §4907, first ¶**, as amended by PL 2007, c. 402, Pt. S, §5, is  
24 further amended to read:

25 The State Board of ~~Certification~~ ~~Licensure~~ for Geologists and Soil Scientists as  
26 established by Title 5, section 12004-A, subsection 19, shall administer this chapter. The  
27 board consists of 7 members, 5 of whom are appointed by the Governor from the  
28 following categories: One academic geologist; one independent consultant or salaried  
29 geologist; one independent consultant or salaried soil scientist; one other soil scientist;  
30 and a public member as defined in Title 5, section 12004-A. The 4 geologist ~~and soil~~  
31 ~~scientist~~ members appointed by the Governor must be licensed under this chapter. The  
32 6th and 7th members are the State Soil Scientist ~~with the Maine Soil and Water~~  
33 ~~Conservation Commission~~ ~~employed in State Government~~, ex officio, and the State  
34 Geologist or the State Geologist's designee, who must be a geologist employed in State  
35 Government, ex officio. No person, except the public member, is eligible for  
36 appointment to the board unless ~~certified~~ ~~licensed~~ under this chapter.

37 **Sec. 10. 32 MRSA §4908, sub-§4**, as amended by PL 1979, c. 663, §211, is  
38 further amended to read:

39 **4. Liaison.** The board shall establish relations with bodies ~~which~~ ~~that~~ regulate the  
40 practice of geology and the practice of soil science, or closely related disciplines, or

1 which that certify or license geologists or soil scientists in other states, and may establish  
2 relations with such bodies in other countries for the purposes of achieving uniformly high  
3 professional standards and mutual recognition of certification and licensure.

4 **Sec. 11. 32 MRSA §4909**, as amended by PL 2007, c. 402, Pt. S, §8, is further  
5 amended to read:

6 **§4909. Qualifications**

7 **1-A. Application.** An applicant for licensure as a geologist or soil scientist shall file  
8 an application and pay the application fee as set under section 4912. An applicant for  
9 licensure as a geologist or soil scientist must be trustworthy and competent.

10 **2. Geologist examination requirements.** ~~As a geologist, to~~ To qualify to sit for the  
11 geologist licensure examination for licensure, an applicant must:

12 A. Be a graduate of an accredited college or university with a major in geological  
13 sciences, or have completed 30 credits in geological sciences at an accredited college  
14 or university, or have at least 7 years of professional geological work that ~~shall~~  
15 ~~include~~ includes either a minimum of 3 years of professional geological work under  
16 the supervision of a qualified or licensed geologist or a minimum of 5 years of  
17 responsible charge of geological work;

18 B. Have acquired 7 years of experience in responsible charge of geological work,  
19 toward which an undergraduate degree with 30 credit hours or more in geological  
20 science courses counts as 2 years of training and each year of graduate study in the  
21 geological sciences counts as 1/2 year of training, up to a maximum of 2 years of  
22 credit; and

23 C. Receive credit toward the experience requirement subject to the evaluation of the  
24 board. Applicants with less than 30 credit hours in geological science courses may be  
25 given proportional work-experience credits for such academic credit hours as they  
26 may have acquired.

27 An applicant under this subsection may take a national fundamentals of geology  
28 examination and a Maine local knowledge examination approved in rules adopted by the  
29 board in the final year of an accredited 4-year or graduate-level program, as long as the  
30 applicant has completed the minimum 30 credits in geological sciences required in this  
31 subsection.

32 An applicant under this subsection may take a national practice of geology examination  
33 approved in rules adopted by the board upon completion of the work experience  
34 requirement in this subsection.

35 **~~2-A. Soil scientist examination requirements.~~** ~~As a soil scientist, to qualify to sit~~  
36 ~~for the examination for licensure, an applicant must:~~

37 ~~A. Be a graduate of an approved 4-year college curriculum leading to a~~  
38 ~~Baccalaureate Degree, in which the applicant has successfully completed a minimum~~  
39 ~~of 15 credit hours of soil or soil-related courses of a pedological nature and have a~~  
40 ~~specific record of an additional 3 years or more of experience in soil science of a~~

1 grade and character that indicates to the board that the applicant may be competent to  
2 practice as a soil scientist and be otherwise qualified. Teaching pedological courses in  
3 a college or university offering an approved 4 year soil science or agronomic  
4 curriculum must be considered as experience in soils investigations.

5 Applicants may sit for the General practice examination upon graduation from an  
6 approved 4 year college and may sit for the professional practice examination upon  
7 completion of the experience requirement as stated in this subsection.

8 "Additional 3 years of experience" does not imply a sequence of obtaining a degree and  
9 then experience. Experience time may not be granted for time while enrolled in courses,  
10 but summer employment must be counted even though a degree may not have been  
11 obtained.

12 Actual field experience in an acceptable apprenticeship program counts as experience  
13 time.

14 Each degree beyond the bachelor's degree counts as one year of experience.

15 Soil-related courses may amount to only 20% of the required 15 credits for a maximum  
16 of 3 credits.

17 **2-B. Soil scientist examination requirements.** To qualify to sit for the  
18 examinations for licensure as a soil scientist, an applicant must meet the requirements in  
19 paragraph A or B.

20 A. An applicant must have:

21 (1) A minimum 4-year baccalaureate or higher degree from an accredited college  
22 or university in soils, plants, engineering, geology, biology, forestry or other  
23 natural resources science;

24 (2) Completed a minimum of 15 credit hours of soil or soil-related courses. Soil-  
25 related courses may amount to no more than 20% of the required 15 credit hours  
26 for a maximum of 3 credit hours; and

27 (3) Completed 3 or more documented years of post-baccalaureate degree work in  
28 soil professional work of a grade and character that indicates that the applicant  
29 may be competent to practice as a soil scientist.

30 (a) An applicant who teaches soil science courses at a college or university  
31 offering a 4-year degree in soil science may receive credit toward the  
32 required work experience under this subparagraph.

33 (b) Work experience obtained while an applicant is enrolled in courses does  
34 not count toward the 3-year work experience requirement under this  
35 subparagraph, but summer soil-related employment counts toward that  
36 requirement.

37 (c) Each graduate degree obtained in a soil or soil-related field in addition to  
38 the required 4-year baccalaureate degree counts as one year of work  
39 experience.

40 B. An applicant must have:



1 (1) Completed an associate degree from an accredited 2-year college in soils,  
2 plants, engineering, geology, biology, forestry or other natural resources science;

3 (2) Completed a minimum of 15 credit hours of soil or soil-related courses. Soil-  
4 related courses may amount to no more than 20% of the required 15 credit hours  
5 for a maximum of 3 credit hours; and

6 (3) Completed 5 or more documented years of post-associate degree work in soil  
7 professional work of a grade and character that indicates that the applicant may  
8 be competent to practice as a soil scientist.

9 An applicant under this subsection may take a national fundamentals of soil science  
10 examination approved in rules adopted by the board in the final year prior to or after  
11 graduation from an accredited 2-year program or in the final year of an accredited 4-year  
12 or graduate-level program, as long as the applicant has completed the minimum 15 credit  
13 hours required in this subsection.

14 An applicant under this subsection may take a national soil science professional practice  
15 examination and Maine soil science professional practice examination approved in rules  
16 adopted by the board upon completion of the work experience requirement in this  
17 subsection.

18 **3. Examination.** ~~An applicant shall sit for and pass an examination before the board~~  
19 ~~or its authorized representatives. Such examination will be held at certain specified times~~  
20 ~~and of such scope as prescribed by the board. Examinations approved by the board must~~  
21 ~~test the applicant's knowledge of geology or soil science and the applicant's ability to~~  
22 ~~apply that knowledge and to assume responsible charge in the professional practice of~~  
23 ~~geology or soil science.~~

24 **4. Licensure by endorsement.** The board, in its discretion and upon payment of the  
25 application and license fees established pursuant to section 4912, may issue a license as a  
26 geologist or soil scientist without written examination to any person who is licensed as a  
27 geologist or soil scientist in any jurisdiction having equivalent licensure requirements, if  
28 the applicant satisfies all other requirements of this chapter.

29 ~~Generally, the examinations must test the applicant's knowledge basic to geology or~~  
30 ~~soil science and the applicant's ability to apply that knowledge and to assume responsible~~  
31 ~~charge in the professional practice of geology or soil science.~~

32 ~~An applicant for licensure must meet all the requirements of this chapter and, in~~  
33 ~~addition, must have 3 years' experience in geology or soil science as defined by this~~  
34 ~~chapter and in the rules and regulations of the board to be provided.~~

35 An applicant must pass the examinations required by the board. An applicant failing  
36 in an examination may be examined again retake the examination upon filing a new  
37 examination application and the payment of the prescribed fees paying the required  
38 examination fee.

39 ~~The board, upon application therefor, and upon payment of the application and~~  
40 ~~license fees, may issue a license as a geologist or soil scientist without written~~  
41 ~~examination to any person holding a license as a geologist or soil scientist issued to that~~

1 geologist or soil scientist by any state or country having equivalent requirements, when  
2 the applicant's qualifications meet the other requirements of this chapter and the rules  
3 established by the board.

4 In determining the qualifications of an applicant for licensure, a majority vote of the  
5 board is required.

6 Any applicant who has passed the examination or has otherwise qualified as a  
7 geologist or soil scientist upon receipt of a completed license application and payment of  
8 the a license fee as set under section 4912 ~~must have~~ may be issued a license as a  
9 geologist or soil scientist as appropriate.

10 **Sec. 12. 32 MRSA §4914**, as repealed and replaced by PL 1975, c. 760, §18, is  
11 repealed.

12 **Sec. 13. 32 MRSA §4918**, as repealed and replaced by PL 1975, c. 760, §20, is  
13 amended to read:

14 **§4918. Plans prepared**

15 All geologic plans, specifications, reports or documents ~~which that~~ are prepared by a  
16 certified licensed geologist or by a subordinate under ~~his~~ the licensed geologist's direction  
17 ~~shall~~ must be signed by ~~such~~ the licensed geologist, which ~~shall indicate his~~ indicates the  
18 licensed geologist's responsibility for them.

19 All ~~pedological~~ soil science maps, reports or documents ~~which that~~ are prepared by a  
20 certified licensed soil scientist or by a subordinate under ~~his~~ the licensed soil scientist's  
21 direction ~~shall~~ must be signed by ~~such certified~~ the licensed soil scientist, which ~~shall~~  
22 indicate his indicates the licensed soil scientist's responsibility for them.

23 **Sec. 14. 38 MRSA §439-A, sub-§3**, as affected by PL 1989, c. 890, Pt. A, §40  
24 and amended by Pt. B, §47 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

25 **3. Soil evaluation reports.** Any other law notwithstanding, when a zoning  
26 ordinance adopted in conformity with this article requires a written report of soil  
27 suitability for subsurface waste disposal or commercial or industrial development, that  
28 report must be prepared and signed by a duly qualified person who has made an on-the-  
29 ground evaluation of the soil properties involved. Persons qualified to prepare these  
30 reports must be certified by the Department of Health and Human Services and include  
31 Maine State ~~Certified~~ Licensed Soil Scientists, Maine Registered Professional Engineers,  
32 Maine State ~~Certified~~ Licensed Geologists and other persons who have training and  
33 experience in the recognition and evaluation of soil properties and can provide proof of  
34 this training and experience in a manner specified by the Department of Health and  
35 Human Services. The Department of Health and Human Services may ~~promulgate~~ adopt  
36 rules for the purpose of establishing training and experience standards required by this  
37 subsection.

38 **Sec. 15. 38 MRSA §480-O, last ¶**, as enacted by PL 1987, c. 809, §2, is amended  
39 to read:

1 Any permit issued under this section for a bulkhead or similar structure ~~which that~~ is  
2 not connected at both ends to another bulkhead or similar structure ~~shall be~~ is subject to  
3 only the standard conditions applicable to all permits granted under this article as well as  
4 the following conditions. The permit applicant or applicants ~~shall be~~ are responsible for  
5 reasonably maintaining the bulkhead or similar structure and for repairing damage to the  
6 frontal sand dune ~~which that~~ occurs between the end of the bulkhead or similar structure  
7 and the Scarborough town landing and ~~which that~~ is caused by the existence of the  
8 bulkhead or similar structure. The applicant or applicants shall submit a report prepared  
9 by a ~~state-certified~~ state-licensed geologist to the commissioner every 2nd year following  
10 issuance of the permit or until such time as the commissioner ~~deems~~ determines the report  
11 need not be filed or may be filed at longer intervals. The report ~~shall~~ must describe the  
12 status of the frontal sand dune between the end of the bulkhead or similar structure and  
13 the Scarborough town landing and contain whatever recommendations the geologist  
14 determines are reasonably required to maintain the frontal sand dune in that area. The  
15 applicant or applicants shall follow the recommendations.

16 **Sec. 16. 38 MRSA §480-W, sub-§3**, as enacted by PL 2005, c. 548, §2, is  
17 amended to read:

18 **3. Emergency action exemption.** Notwithstanding section 480-C, if the local code  
19 enforcement officer, a state-licensed professional engineer or a ~~state-certified~~ state-  
20 licensed geologist determines that the integrity of a seawall, bulkhead, retaining wall or  
21 similar structure in a coastal sand dune system is destroyed or threatened, the owner of  
22 property protected by the seawall, bulkhead, retaining wall or similar structure may  
23 perform or cause to be performed the following activities without obtaining a permit  
24 under this article:

25 A. Place riprap, sandbags or other heavy nonhazardous material to shore up the  
26 threatened structure and leave the material in place until a project designed to repair  
27 or replace the structure is permitted by the department. After such emergency action  
28 is taken and within 5 working days after the imminent threat, the property owner  
29 must provide written notice to the department of the date the emergency action was  
30 taken and a description of the emergency action taken. Within 6 months following  
31 placement of any material pursuant to this paragraph, the property owner must submit  
32 to the department an application to repair or replace the structure. The material  
33 placed pursuant to this paragraph must be removed within 18 months from the date a  
34 permit is issued by the department; or

35 B. Make permanent repairs, to the extent necessary to alleviate the threat, to  
36 strengthen the seawall, bulkhead, retaining wall or other structure, to widen the  
37 footings or to secure the structure to the sand with tie-back anchors. A ~~state-certified~~  
38 state-licensed geologist, state-licensed professional engineer or other qualified  
39 professional must make the determination that the actions taken by the property  
40 owner in accordance with this section are only those actions necessary to alleviate the  
41 imminent threat and do not include increasing the height or length of the structure.

42 If a local code enforcement officer, state-licensed professional engineer or ~~state-certified~~  
43 state-licensed geologist fails to determine within 6 hours of initial contact by the property  
44 owner whether the integrity of a structure is destroyed or threatened, the property owner

1 may proceed as if the local code enforcement officer, state-licensed professional engineer  
2 or ~~state-certified~~ state-licensed geologist had determined that the integrity of the structure  
3 was destroyed or threatened.

4 **Sec. 17. 38 MRSA §563-B, sub-§1, ¶B**, as enacted by PL 1991, c. 763, §2, is  
5 amended to read:

6 B. Upon abandonment or replacement of an underground tank or facility, must  
7 require site assessment to be conducted or supervised by a ~~state-certified~~ state-  
8 licensed geologist or registered professional engineer only when that tank or facility  
9 is located in a sensitive geologic area; and

## 10 SUMMARY

11 This bill establishes a new pathway to licensure for persons who seek to become  
12 licensed soil scientists. The new pathway allows individuals with an associate degree in  
13 soil science or another natural resources field to qualify with specific documented work  
14 experience to take required state and national exams. Current law requires a 4-year  
15 undergraduate degree in soil science. The bill also allows applicants for geologist and  
16 soil scientist licenses to take certain required examinations prior to completing all work  
17 experience requirements. The bill also updates licensing terminology and deletes  
18 outdated provisions.