

# MAINE STATE LEGISLATURE

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Date 5/31/23

(Filing No S-150)

MAJORITY

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 161, L D 354, "An Act to Amend the Laws Regarding the Use of Engineers on Public Works Projects over \$100,000"

Amend the bill by striking out the title and substituting the following

'An Act to Amend the Laws Regarding the Use of Licensed Professional Engineers on Certain Public Works Projects'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 32 MRSA §1254, as amended by PL 2019, c 375, §3, is repealed and the following enacted in its place

§1254. Public works

1. Requirement for licensed professional engineer, exception When any department of this State or any of this State's political subdivisions or any county, city, town, township or plantation engages in construction of a public works project that involves professional engineering, the services of a licensed professional engineer must be used in the public works project unless

A An authorized representative of the department of this State or any of this State's political subdivisions or any county, city, town, township or plantation engaged in the construction of a public works project issues a written determination that the life, health and property of the public will be adequately protected without the services of a licensed professional engineer, and

B The contemplated expenditure for the completed project does not exceed \$250,000

For purposes of this subsection, the Director of the Bureau of General Services within the Department of Administrative and Financial Services is the authorized representative of a department of this State engaged in public works projects that constitute public improvements under Title 5, chapter 153

COMMITTEE AMENDMENT

ROS

1 **2. Continuing authority to require licensed professional engineer. Subsection 1**  
2 **may not be construed to limit the authority of a department of this State or any of this State's**  
3 **political subdivisions or any county, city, town, township or plantation to require the**  
4 **services of a licensed professional engineer for any public works project '**

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
6 number to read consecutively

7 **SUMMARY**

8 This amendment, which is the majority report of the committee, replaces the bill, which  
9 is a concept draft, and changes the title It repeals and replaces the Maine Revised Statutes,  
10 Title 32, section 1254 It exempts certain public works construction projects that would  
11 otherwise require the services of a licensed professional engineer if an authorized  
12 representative of a department of this State or any of this State's political subdivisions or  
13 any county, city, town, township or plantation engaged in the construction of a public works  
14 project issues a written determination that the life, health and property of the public will be  
15 adequately protected without the services of a licensed professional engineer, and the  
16 contemplated expenditure for the completed project does not exceed \$250,000 For  
17 purposes of issuing the written determination, the Director of the Bureau of General  
18 Services within the Department of Administrative and Financial Services is the authorized  
19 representative of a department of this State engaged in public works that constitute public  
20 improvements under Title 5, chapter 153 The amendment also clarifies that a department  
21 of this State or any of this State's political subdivisions or any county, city, town, township  
22 or plantation may still require the services of a licensed professional engineer for any public  
23 works project that meets both conditions

24 **FISCAL NOTE REQUIRED**  
25 **(See attached)**



# 131st MAINE LEGISLATURE

LD 354

LR 1484(02)

**An Act to Amend the Laws Regarding the Use of Engineers on Public Works Projects over \$100,000**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-150)**

**Committee: State and Local Government**

**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium savings - All Funds

Minor cost increase - General Fund

### Fiscal Detail and Notes

Under current law, only a public works project with an expected cost at or below \$100,000 may be exempt from requiring the services of a licensed professional engineer. Raising this threshold to \$250,000 is expected to increase the pool of public works projects that may be exempt from this requirement. To the extent that requiring the use of a licensed professional engineer adds to projects costs, this bill may generate savings to the State and local units of government.

Any additional costs to the Department of Administrative and Financial Services to document that the public will be adequately protected without the services of a licensed professional engineer on a public works project are expected to be minor and can be absorbed within existing budgeted resources.