

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## Ninety-sixth Legislature

OF THE

# STATE OF MAINE

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-sixth Legislature

**1953**

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ter or otherwise, in writing, setting forth his claim for damages and specifying the nature of his injuries and the nature and location of the defect which caused such injury. If the life of any person is lost through such deficiency, his executors or administrators may recover of such county or town liable to keep the same in repair, in an action on the case, brought for the benefit of the estate of the deceased, such sum as the jury may deem reasonable as damages, if the parties liable had said notice of the deficiency which caused the loss of life; at the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged, when it would materially aid in a clear understanding of the case.'

Effective August 8, 1953

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## Chapter 345

AN ACT Relating to the Board of Registration for Professional Engineers.

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

Sec. 1. R. S., c. 74, § 2, sub-§ IV, additional. Section 2 of chapter 74 of the revised statutes, as amended, is hereby further amended by adding thereto a new subsection to be numbered IV to read as follows:

'IV. The term "engineer-in-training" shall mean a person who has been certified as such by the board and whose name has been entered in the register of engineer-in-training.'

Sec. 2. R. S., c. 74, § 8, amended. Section 8 of chapter 74 of the revised statutes is hereby amended by repealing the 1st sentence of the 2nd paragraph and inserting in place thereof the following:

'In carrying into effect the provisions of this chapter, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and also may require the production of books, records, papers, documents, etc., in a case involving the revocation of a certificate of registration as a professional engineer or a certificate as an engineer-in-training or in a case of practicing or offering to practice professional engineering without registration.'

Sec. 3. R. S., c. 74, § 10, amended. The first paragraph of section 10 of chapter 74 of the revised statutes is hereby repealed and the following enacted in place thereof:

'The board shall keep a record of its proceedings and a register of all applications for certificates as engineer-in-training and a register of all applications for certificates of registration as professional engineers, which register shall show:'

Sec. 4. R. S., c. 74, § 10, sub-§ VII, repealed and replaced. Subsection VII of section 10 of chapter 74 of the revised statutes is hereby repealed and the following enacted in place thereof:

'VII. Whether a certificate as engineer-in-training or a certificate as registered professional engineer was granted;'

Sec. 5. R. S., c. 74, § 12, sub-§§ III and IV additional. Section 12 of chapter 74 of the revised statutes, as repealed and replaced by section 63 of chapter 378 of the public laws of 1945 is hereby amended by adding thereto 2 new subsections to be numbered III and IV, to read as follows:

'III. Certification as an engineer-in-training followed by 4 years or more of active practice in engineering work indicating that the applicant is competent to be placed in responsible charge of such work, and at the option of the board, the passage of a written examination as prescribed by the board in the practical phases of engineering in the classification of engineering in which the applicant is attempting to qualify; or'

'IV. Evidence acceptable to the board that an applicant is qualified for registration as a professional engineer by a specific record of 15 years or more of lawful active practice in engineering work of character satisfactory to the board and indicating that the applicant is eminently qualified to design or to supervise construction of engineering work and has had responsible charge of important engineering work for at least 5 years and further provided applicant is not less than 35 years of age. Responsible charge of engineering teaching may be construed as responsible charge of engineering work.'

Sec. 6. R. S., c. 74, § 12, amended. Section 12 of chapter 74 of the revised statutes, as repealed and replaced by section 63 of chapter 378 of the public laws of 1945, is hereby amended by repealing the next to last paragraph.

Sec. 7. R. S., c. 74, § 13, repealed and replaced. Section 13 of chapter 74 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 13. Applications and fees. Applications shall be made on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than 5 references, of whom 3 or more shall be engineers having personal knowledge of his engineering experience.

The board shall accept applications for certificates as engineer-in-training from persons who are at least 21 years of age and who are graduated from approved engineering curricula or who have had other engineering education and experience of 8 years or more duration and satisfactory to the board and who in the opinion of the board are of good character and reputation. For applicants who are not graduated from accredited engineering curricula, each year of study in such curricula shall be considered as 2 years of education and experience outside such curricula. Applicants meeting the above requirements shall be admitted to written examinations in the fundamentals of the sciences, mathematics and engineering as prescribed by the board, and on successful passage of such examinations shall be given a certificate as an engineer-in-training, which certificate shall remain in force for 10 years from the date of issuance, unless revoked by the board; and persons to whom such certificates have been issued shall be listed in the register of engineers-in-training.

The registration fee for professional engineers shall be \$15, \$7.50 of which shall accompany application, the remaining \$7.50 to be paid upon issuance of certificate. The fee for applicants for a certificate as engineer-in-training shall be \$7.50 which shall accompany the application and if the applicant is granted a certificate as engineer-in-training, this payment shall be deemed the initial payment if the applicant later applies for registration as a professional engineer.

Should the board deny a certificate as engineer-in-training or a certificate as a registered professional engineer to an applicant, the initial payment shall be retained by the board as an application fee.'

Sec. 8. R. S., c. 74, § 20-A, additional. Chapter 74 of the revised statutes is hereby amended by adding thereto a new section to be numbered 20-A, to read as follows:

'Sec. 20-A. Reciprocity for residents certified elsewhere. A person who is a resident of the state and has been certified in another state as an engineer-in-training may upon payment of a fee of \$5 be certified as an engineer-in-training in Maine, provided he submits evidence satisfactory to the board that he has been certified as an engineer-in-training in another

state under qualifications substantially equivalent to those specified in this chapter for such certification.'

Sec. 9. R. S., c. 74, § 21, repealed and replaced. Section 21 of chapter 74 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 21. Revocation and reissuances of certificates. The board shall have the power to revoke the certificate of an engineer-in-training or registration of a registered professional engineer who is found guilty of:

- I. The practice of any fraud or deceit in obtaining a certificate of registration as professional engineer or a certificate as an engineer-in-training;
- II. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a registered professional engineer, or as an engineer-in-training.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registered professional engineer or any engineer-in-training. Such charges shall be in writing, and shall be sworn to by the person making them, and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or sent by registered mail to the last known address of such registrant, at least 30 days before the date set for the hearing. At any hearing, the accused registrant or engineer-in-training shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, 4 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered professional engineer or certificate of such engineer-in-training.

The board, for reasons it may deem sufficient, may re-issue a certificate of registration as a professional engineer or as an engineer-in-training to any person whose certificate has been revoked, providing 3 or more

members of the board vote in favor of such re-issuance. A new certificate of registration as a professional engineer or as an engineer-in-training, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and a charge of \$3 shall be made for such issuance.'

Effective August 8, 1953

## Chapter 346

### AN ACT Relating to Registration Fee for Boat Trailers.

**Emergency preamble.** Whereas, acts of the legislature do not become effective until 90 days after adjournment of the legislature; and

Whereas, it is vitally necessary that this legislation relating to registration for boat trailers become effective for 1953 to prevent undue hardship on the owners of such boat trailers; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine, and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore

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

**Sec. 1. R. S., c. 19, § 15, sub-§ III, amended.** The 1st paragraph of subsection III of section 15 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

| Equipped with                         | Per 100 lbs. gross<br>weight of vehicle<br>and load     |
|---------------------------------------|---|
| Pneumatic tires .....                 | 15 cents  |
| Solid rubber tires .....              | 40 cents  |
| Iron, steel or other hard tires ..... | 75 cents  |
|                                       | } up to <del>7,500</del> 2,000<br>lbs. gross<br>weight' |

**Sec. 2. R. S., c. 19, § 15, sub-§ III, amended.** The 4th paragraph of subsection III of section 15 of chapter 19 of the revised statutes, as amended, is hereby further amended to read as follows:

'Trailers having a gross weight of ~~7,500~~ 2,000 pounds or more shall be classified and rated as trucks. All boat trailers registered for a gross