

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

B. Have satisfactorily completed the minimum classroom hours required by the appraiser qualifications board in courses of study approved by the Board of Real Estate Appraisers that relate to the basic principles of real estate appraisal. The required classroom hours must include no fewer than 15 classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice; and

C. Pass an examination administered by the board designed to determine the fitness of the applicant to practice.

§14033. Trainee real property appraiser

1. Scope of license. A trainee real property appraiser license or "trainee license" entitles the holder or "trainee" to appraise for a fee or other valuable consideration under the direct supervision of a licensed real property appraiser, a certified general real property appraiser or a certified residential real property appraiser those properties that the supervising appraiser is permitted to appraise.

2. Professional qualification. Each applicant for a trainee license must submit evidence of satisfactory completion of the minimum classroom hours required by the appraiser qualifications board in courses of study approved by the Board of Real Estate Appraisers, which must include coverage of the Uniform Standards of Professional Appraisal Practice.

3. Filing with board. Before employing a trainee, a licensed real property appraiser, certified residential real property appraiser or certified general real property appraiser must register the name and starting date of employment of that trainee with the board.

4. Limited license term. Trainee licenses may only be renewed for 2 biennial terms. After 6 years, the trainee is not eligible for renewal but must qualify as a new applicant.

§14034. Temporary license

A temporary license may be issued to a nonresident in accordance with this section.

1. Scope of license. A temporary license authorizes the holder to perform the appraisal of real estate or real property in this State required by a contract.

2. Professional qualifications. An applicant for a temporary license must:

A. Submit evidence that the applicant is licensed, in good standing under the laws of the applicant's state of domicile;

B. File a consent to service application meeting the provisions of section 14024, subsection 1; and

C. Submit a copy of the contract for appraisal services that requires the applicant to appraise real estate or real property in this State and certify that the contract is in full force and effect.

3. License limitations. A temporary license expires upon the completion of the appraisal work required by the contract or upon the expiration of a period of 6 months from the date of issuance, whichever occurs first. A temporary license may be extended for a period of 6 months from the expiration date of the original license upon request of the license holder and as necessary to fulfill the terms of the contract for appraisal services.

Sec. 6. 37-B MRSA §264, sub-§1, as enacted by PL 1995, c. 684, §3, is amended to read:

1. Sale of property; proceeds. The Adjutant General shall designate an officer to inspect military property, real and personal, and may condemn any inspected property that the Adjutant General determines to be unfit for use by the military. Property condemned under this subsection may be sold by the Adjutant General. Real property condemned under this subsection may not be sold for less than its appraised value as determined by a person licensed as a real estate appraiser under Title 32, chapter ~~423~~ 124.

All proceeds from the sale of condemned property must be paid into the State Treasury and credited to the Capital Repair Account of the Military Bureau established under section 154.

See title page for effective date.

CHAPTER 186

S.P. 556 - L.D. 1618

An Act to Amend the Laws Regarding Professional Engineers

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

Sec. 1. 32 MRSA §1255, sub-§1, as amended by PL 1995, c. 355, §2, 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 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;~~

Sec. 2. 32 MRSA §1255, sub-§2, as amended by PL 1995, c. 355, §3, 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 ~~recently~~ 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 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;

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

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

§1302. Qualifications

Each member of the board must be a citizen of the United States and a resident of this State, and each engineer member must have been engaged in the practice of the profession of engineering for at least 12 years and must have been in 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.

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

~~The secretary of the board shall receive and account for all money derived under this chapter and shall pay the money, as provided by law, to the Treasurer of State, who shall keep the money in a separate fund to be known as the "Professional Engineers' Fund." The secretary of the board is entitled to compensation and allowance for clerical hire as approved by the board, in addition to the~~

~~expenses provided for in section 1303.~~ The board may make other expenditures from this fund, upon itemized vouchers approved by the chair of the board, that in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter.

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

§1309. Roster of registered engineers

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

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

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

§1352-A. Qualifications

To be eligible for registration as a professional engineer, an applicant must submit 5 references with the application for registration as a professional engineer, 3 of which must be registered engineers 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 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 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 appli-

cant 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 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.

E. An applicant who has a baccalaureate from an engineering or engineering technology curriculum that has not been approved by the accreditation board for engineering and technology or from an allied science curriculum of 4 years 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 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.

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

G. An applicant with a record of at least 15 years of experience in engineering work, of which at least 10 years has been in responsible jobs of engineering work and of a grade and character that indicates to the board that the applicant may be competent to practice engineering, who has a certificate of registration to engage in the practice of engineering on the basis of experience or a non-National Council of Examiners for Engineering and Surveying examination issued by a proper authority of a 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 based on verified evidence may be registered upon application by passing an oral examination conducted by the State Board of Registration for Professional Engineers or by a board committee.

H. An applicant with a record of less than 15 years of experience in engineering work, who has a certificate of registration to engage in the practice of engineering on the basis of experience or a non-National Council of Examiners of Engineering and Surveying examination issued by a proper authority of a state, territory or possession of the United States, the District of Columbia or any foreign country, may be registered

upon application by passing an 8-hour examination in the principles and practice of engineering.

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

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

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

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

B. 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 and has passed an 8-hour written examination in the fundamentals of engineering may be certified as an engineer-intern.

C. 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 of 4 years or more and has passed an 8-hour written examination in the fundamentals of engineering may be certified as an engineer-intern.

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

E. Until December 31, 2000, an applicant who does not have a degree must submit 3 references, 2 of which must be from registered engineers

having personal knowledge of the applicant's engineering experience, and must provide proof 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.

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

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

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

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

§1354. Examinations

~~Written examinations~~ Examinations must be held at such times and places as the board determines. Examinations required on fundamental engineering subjects may be taken as provided in section ~~1352~~ 1352-A. The principles and practices of engineering examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section ~~1352~~ 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 MRSA §1356, 2nd ¶, as amended by PL 1995, c. 355, §14, is further amended to read:

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

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

§1357. Expiration and renewals

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 the duty of the secretary of the board to~~ The board shall notify every person registered under this chapter of the date of the 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 the applicant has become registered 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. Renewal may be effected at any time after receipt of notice by the payment of a fee established by the board, according to its rules which may not exceed \$50 annually. Registration 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 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. 11. 32 MRSA §1359, as amended by PL 1983, c. 413, §51, is repealed.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00

**PROFESSIONAL AND
FINANCIAL REGULATION,
DEPARTMENT OF**

**Office of Licensing and
Registration**

All Other	\$1,000
Provides funds for the costs associated with adopting rules on behalf of the State Board of Registration for Professional Engineers.	

See title page for effective date.

CHAPTER 187

S.P. 452 - L.D. 1327

**An Act to Strengthen Enforcement of
Lobster Trap Limits**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is imperative that this Act take effect as soon as possible so that lobster trap limits may be enforced; 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 the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6431-A, as amended by PL 1997, c. 19, §1, is repealed and the following enacted in its place:

§6431-A. Trap limit

1. Limit. Before March 1, 2000, the holder of a Class I, Class II or Class III license issued under section 6421 may not submerge more than 1,000 traps. After February 29, 2000, the holder of a Class I, Class II or Class III license issued under section 6421 may not submerge more than 800 traps. If a lower trap limit is adopted by rule for a zone pursuant to section 6446, a license holder who fishes in that zone may not submerge a number of traps that exceeds the lower limit.

The number of traps fished from a vessel may not exceed the applicable trap limit established in this subsection, regardless of the number of license holders fishing from that vessel.

Sec. 2. 12 MRSA §6431-D, as amended by PL 1997, c. 19, §3, is repealed.

Sec. 3. 12 MRSA §6447, sub-§5, as amended by PL 1995, c. 568, §7, is further amended to read:

5. Council authority. Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, provided the proposed limitations are equal to or