

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

quately warning, during nighttime, other highway users of the extreme width; or

See title page for effective date.

CHAPTER 315

S.P. 537 - L.D. 1548

An Act To Amend the Laws Concerning Registration of Engineers

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

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

16. State Board of <u>Registration Licensure</u> for Professional Engineers	\$35/Day	32 MRSA §1301
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Sec. 2. 32 MRSA §1251, sub-§1 is amended to read:

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

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

§1253. Corporations, partnerships and associations

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

Sec. 4. 32 MRSA §1254, as repealed and replaced by PL 1997, c. 304, §1, is amended to read:

§1254. Public works

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

2. Exception. A department of this State may require the 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.

Sec. 5. 32 MRSA §1255, sub-§1, as amended by PL 1999, c. 186, §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~~ 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~~ 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~~ 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~~ 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~~ 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~~ registration license under this chapter, or an employee of a person exempted from ~~registration licensure~~ 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 "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of such corporation. An officer or employee of such corporation customarily in responsible charge of the engineering work of such corporation within this State ~~shall~~ must be a ~~registrant licensee~~ under this chapter;

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 to read:

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

Sec. 10. 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:

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

Sec. 11. 32 MRSA c. 19, sub-c. 2, as amended, is further amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER 2

STATE BOARD OF LICENSURE

Sec. 12. 32 MRSA §1301, first ¶, as amended by PL 1995, c. 355, §5, is further amended to read:

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

Sec. 13. 32 MRSA §1305, as repealed and replaced by PL 1983, c. 413, §44, is amended to read:

§1305. Organization and meetings

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

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

Sec. 14. 32 MRSA §1306, sub-§1, as enacted by PL 1983, c. 413, §45, is amended to read:

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

Sec. 15. 32 MRSA §1306, sub-§3, as amended by PL 1995, c. 355, §7, is further amended to read:

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

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

Sec. 16. 32 MRSA §1308, 2nd ¶, as corrected by RR 1993, c. 1, §82, is amended to read:

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

Sec. 17. 32 MRSA §1309, as amended by PL 1999, c. 186, §5, is further amended to read:

§1309. Roster of licensed professional engineers

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

Sec. 18. 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. 19. 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. 20. 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.

A. An applicant for ~~registration licensure~~ by endorsement or comity who provides proof that the applicant is a ~~registered licensed professional~~ 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 licensed~~ without further examination. To seek ~~registration licensure~~ under this paragraph, the applicant must be a graduate of an engineering curriculum approved by the engineering ac-

creditation 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~~ licensed 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~~ licensed 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~~ 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.

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~~ 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.

E. An applicant who has a baccalaureate from an engineering or engineering technology curricu-

lum 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~~ 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.

~~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~~ license 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~~ licensed upon application by passing an oral examination conducted by the ~~State Board of Registration for Professional Engineers~~ board 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~~ license 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 ~~regis-~~

tered licensed 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 or 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 licensure even though the person may not be practicing the engineering profession at the time of submitting an application.

Sec. 21. 32 MRSA §1353, as corrected by RR 1999, c. 1, §44, is amended to read:

§1353. Application; fees

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

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

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 professional engineers.

Sec. 22. 32 MRSA §1355 is amended to read:

§1355. Licenses; seals

The board shall issue a certificate of registration license upon payment of registration the licensure fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The certificate shall authorize license authorizes the practice of "professional engineering." Certificates of registration shall Licenses must show the full name of the registrant licensee, shall have a serial number and shall be

signed by the ~~chairman and the secretary~~ chair of the board under seal of the board.

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

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

Sec. 23. 32 MRSA §1356, as amended by PL 1999, c. 547, Pt. B, §61 and affected by §80, is further amended to read:

§1356. Revocation and reissuance

The board may suspend or revoke the ~~registration~~ license of an engineer or the certificate of an engineer-intern pursuant to 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~~ license

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. 24. 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. 25. 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. 26. 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. 27. 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. 28. 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. 29. 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.

See title page for effective date.

CHAPTER 316

H.P. 621 - L.D. 870

An Act To Increase Access to Information Regarding Referendum Questions

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

Sec. 1. 1 MRSA §353, as amended by PL 1991, c. 837, Pt. A, §1, is further amended to read:

§353. Explanation of proposed amendments and statewide referenda

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement ~~which that~~ which that must fairly describe the intent and content ~~of and what a "yes" vote favors and a "no" vote opposes~~ of and what a "yes" vote favors and a "no" vote opposes for each constitutional resolution or statewide referendum that may be presented to the people and ~~which that~~ which that must include any information prepared by the Treasurer of State under Title 5, section 152. ~~The explanatory statement may not include comments of proponents or opponents as provided by section 354.~~ The explanatory statement may not include comments of proponents or opponents as provided by section 354. In addition to the explanatory statement, ~~the Secretary of State and the Attorney General shall prepare an explanation of what a yes vote favors and a no vote opposes~~ the Secretary of State and the Attorney General shall prepare an explanation of what a yes vote favors and a no vote opposes beginning with the November 2006 election the Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations within 30 days after the adjournment of the legislative session immediately prior to the statewide election when the constitutional resolution or referen-