

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

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

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**Augusta, Maine**  
**2022**

with rules adopted by the department are not designated as outstanding national resources.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 16, 2022.

**CHAPTER 504**

**S.P. 636 - L.D. 1809**

**An Act To Allow Exceptions to the Height Limitations under the Shoreland Zoning Laws**

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

**Sec. 1. 38 MRSA §436-A, sub-§1-C** is enacted to read:

**1-C. Area of special flood hazard.** "Area of special flood hazard" means land in a floodplain having a 1% or greater chance of flooding in any given year, as identified in the effective federal flood insurance study and corresponding flood insurance rate maps.

**Sec. 2. 38 MRSA §436-A, sub-§7-A,** as enacted by PL 2011, c. 231, §1, is repealed and the following enacted in its place:

**7-A. Height.** "Height" means:

A. With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area; and

B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A, including legally existing nonconforming structures, the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

**Sec. 3. 38 MRSA §439-A, sub-§4, ¶C-1** is enacted to read:

C-1. Notwithstanding the limitations on height imposed under paragraphs B and C, the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to,

but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that:

(1) Have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement; and

(2) Are located in an area of special flood hazard.

See title page for effective date.

**CHAPTER 505**

**S.P. 637 - L.D. 1810**

**An Act Regarding Examinations and Applications for Professional Engineers and Engineer-interns**

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

**Sec. 1. 32 MRSA §1352-A, first ¶,** as amended by PL 2005, c. 315, §20, is further amended to read:

To be eligible for licensure as a professional engineer, an applicant must submit 5 references with the application for licensure as a professional engineer, 3 of which must be 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.

**Sec. 2. 32 MRSA §1353, first ¶,** as amended by PL 2013, c. 296, §4, is further amended to read:

Application for licensure as a professional engineer or certification as an engineer-intern must be made on a form prescribed ~~and furnished~~ by the board, contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical experience and contain references as set forth in section 1352-A, none of which may be from members of the board. An applicant who fails to complete the application process within 5 years must reapply to the