

Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 73: GEOLOGISTS AND SOIL SCIENTISTS

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Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 73: GEOLOGISTS AND SOIL SCIENTISTS

Subchapter 1: GENERAL PROVISIONS

§4901. TITLE

This chapter may be cited as the "Geologists and Soil Scientists Certification Act." [1973, c. 558, §1 (NEW).]

SECTION HISTORY

1973, c. 558, §1 (NEW).

§4902. DEFINITIONS

As used in this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings. [1973, c. 558, §1 (NEW).]

1. Board. "Board" shall mean the State Board of Certification for Geologists and Soil Scientists.

[1973, c. 558, §1 (NEW) .]

1-A. Approved. "Approved" means approved by the board.

[2007, c. 402, Pt. S, §1 (NEW) .]

2. Certified geologist. "Certified geologist" means a person entitled under this chapter to take and use the title.

[1973, c. 558, §1 (NEW) .]

3. Certified soil scientist. "Certified soil scientist" means a person entitled under this chapter to take and use the title.

[1973, c. 558, §1 (NEW) .]

4. Geologist. "Geologist" means a person engaged in the practice of geology.

[1973, c. 558, §1 (NEW) .]

5. Geology. "Geology" means that science which treats of the earth as a whole; the investigation of its composition, its size, shape and relationships between consolidated and unconsolidated rock units in the regolith and bedrock; and the applied aspects of utilizing knowledge of the earth and its constituents; including its consolidated and unconsolidated rock units, its minerals, liquids, gases and other materials for the benefit of mankind.

[1973, c. 558, §1 (NEW) .]

6. Pedology. "Pedology" shall mean that aspect of soil science which involves, among others, the nature, properties, formation, classification, functioning behavior and response to use and management of soils; it shall include the mapping and identification of soils, and the interpretation of soil properties. Pedology centers on soils as the biochemically weathered part of the earth's crust, the collection of natural

bodies on the earth's surface, supporting plants, with a lower limit at the deeper of either the unconsolidated mineral or organic material lying within the zone of rooting of the native perennial plants; or where horizons impervious to roots have developed the upper few feet of the earth's crust having properties differing from the underlying rock material as a result of interactions between climate, living organisms, parent material and relief.

[1973, c. 558, §1 (NEW) .]

7. Practice of geology. "Practice of geology" means the performance of geological work or service for the public, including, but not limited to, consultation, investigation, surveys, evaluation, planning, mapping or inspection of geological work, wherein the performance is related to the public welfare or the safeguarding of life, health, property and the environment.

[1983, c. 816, Pt. A, §36 (AMD) .]

8. Practice of soil science. "Practice of soil science" shall be held to mean any professional service which requires the application of pedological principles and data. Such professional service includes identification and mapping of soils according to the standards of the National Cooperative Soil Survey, consultation or evaluation.

[1973, c. 558, §1 (NEW) .]

9. Qualified soil scientist. "Qualified soil scientist" shall mean a person who, by reason of his knowledge of pedology, the biological and physical sciences, acquired by professional education and practical experience, is qualified to engage in the practice of soil science as defined.

[1973, c. 558, §1 (NEW) .]

10. Qualified geologist. "Qualified geologist" means a person who possesses the qualifications specified for certification, except that he is not certified.

[1973, c. 558, §1 (NEW) .]

11. Responsible charge of work. "Responsible charge of work" means the independent control and direction by the use of initiative, skill and independent judgment of work or the supervision of such work.

[1973, c. 558, §1 (NEW) .]

12. Subordinate. "Subordinate" means any person who assists a certified geologist or soil scientist without assuming the responsible charge of work.

[1973, c. 558, §1 (NEW) .]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1983, c. 816, §A36 (AMD). 2007, c. 402, Pt. S, §1 (AMD).

§4903. EFFECT OF LAW

1. Licensure required. No person may practice or offer to practice geology or soil science in the State without a current license issued under this chapter, unless specifically exempted from the license requirement by this chapter.

[2007, c. 402, Pt. S, §2 (AMD) .]

2. Effect. This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.

[1981, c. 501, §70 (NEW) .]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1981, c. 501, §70 (RPR). 2007, c. 402, Pt. S, §2 (AMD).

§4904. CORPORATIONS, PARTNERSHIPS, ASSOCIATIONS AND GOVERNMENT AGENCIES

This chapter does not prohibit one or more geologists or soil scientists from practicing through the medium of a sole proprietorship, partnership, corporation or government agency. In such partnership or corporation whose primary activity consists of geological services, or in a government agency in which geological work is done, at least one partner, officer or employee shall be a certified geologist. In such partnership or corporation whose primary activity consists of soil science services, or in a government agency in which soil science work is done, at least one partner, officer or employee shall be a certified soil scientist. In the case of an agency of State Government, the Bureau of Human Resources shall classify officers and employees under the Civil Service Law in a manner that ensures that at least one certified geologist or soil scientist shall work for each agency in which, as the case may be, geological or soil science work is done and that any officer or employee who is engaged in the practice of geology or soil science and who is uncertified works as a subordinate to a certified geologist or soil scientist, as the case may be, and does not have responsible charge of work or evaluation. [1985, c. 785, Pt. B, §142 (AMD).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1979, c. 89, §1 (RPR). 1985, c. 785, §B142 (AMD).

§4905. APPLICATION *(REPEALED)*

SECTION HISTORY

1973, c. 558, §1 (NEW). 1981, c. 501, §71 (RP).

§4906. EXEMPTIONS

The following persons are exempt from the license requirement imposed by this chapter: [2007, c. 402, Pt. S, §3 (AMD).]

1. Nonresident practicing less than 30 days. A person not a resident of and having no established place of business in this State, practicing or offering to practice the profession of geologist or soil scientist when that practice does not exceed in the aggregate more than 30 days in any calendar year, provided that the person is legally qualified by registration to practice the profession in his own state or country in which the requirements and qualifications for obtaining a certificate or registration are equivalent to those specified in this chapter;

[1983, c. 413, §172 (AMD) .]

2. Nonresident becoming resident or persons practicing more than 30 days. A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice for more than 30 days in any calendar year the profession of geologist or soil scientist, if he has filed with the commission an application for a certification and has paid the fee required by this chapter. The exemption shall continue only for such time as the board requires for the consideration of the

application for registration, provided that such a person is legally qualified to practice that profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are equivalent to those specified in this chapter;

[1983, c. 413, §172 (AMD) .]

3. Certain employees. An employee, associate or subordinate of a person holding a certificate of registration under this chapter, or an employee of a person exempted from registration by subsections 1 and 2; provided that the work of all such employees, associates or subordinates does not include responsible charge of work or evaluation; and

[1981, c. 501, §73 (AMD) .]

4. United States Government employees. Officers and employees of the Government of the United States while engaged within this State in the practice of the profession of geologist or soil scientist for the government.

[1981, c. 501, §74 (AMD) .]

5. Subsurface sewage disposal.

[1981, c. 501, §75 (RP) .]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §§6,7 (AMD). 1979, c. 89, §2 (AMD). 1981, c. 501, §§72-75 (AMD). 1983, c. 413, §172 (AMD). 2007, c. 402, Pt. S, §3 (AMD).

§4906-A. SUBSURFACE SEWAGE DISPOSAL

Persons who have been licensed by the Department of Professional and Financial Regulation pursuant to Title 22, section 42, subsection 3-A to evaluate soil for subsurface sewage disposal are exempt from the license requirement if their soil evaluation work relates solely to subsurface sewage disposal systems.

[2007, c. 402, Pt. S, §4 (AMD).]

SECTION HISTORY

1981, c. 501, §76 (NEW). 1985, c. 748, §42 (AMD). 2007, c. 402, Pt. S, §4 (AMD).

§4907. BOARD

The State Board of Certification for Geologists and Soil Scientists as established by Title 5, section 12004-A, subsection 19, shall administer this chapter. The board consists of 7 members, 5 of whom are appointed by the Governor from the following categories: One academic geologist; one independent consultant or salaried geologist; one independent consultant or salaried soil scientist; one other soil scientist; and a public member as defined in Title 5, section 12004-A. The 4 geologist members appointed by the Governor must be licensed under this chapter. The 6th and 7th members are the State Soil Scientist with the Maine Soil and Water Conservation Commission, ex officio, and the State Geologist or the State Geologist's designee, who must be a geologist employed in State Government, ex officio. No person, except the public member, is eligible for appointment to the board unless certified under this chapter. [2007, c. 402, Pt. S, §5 (AMD).]

1. Qualifications. Each member of the board must have been a resident of this State for at least 5 years immediately preceding the appointment.

[2007, c. 402, Pt. S, §5 (AMD) .]

2. Term. Appointments are for 5-year terms. Appointments of members must comply with Title 10, section 8009. A board member may be removed for cause by the Governor.

[2007, c. 402, Pt. S, §5 (AMD) .]

3. Compensation.

[1995, c. 397, §65 (RP) .]

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

[2013, c. 246, Pt. B, §14 (AMD) .]

5. Hearings.

[2007, c. 402, Pt. S, §5 (RP) .]

6. Contracts.

[1995, c. 397, §66 (RP) .]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §§8-10 (AMD). 1975, c. 771, §§370,371 (AMD). 1977, c. 78, §§188,189 (AMD). 1979, c. 300, §§1,2 (AMD). 1983, c. 413, §§173-177 (AMD). 1983, c. 553, §46 (AMD). 1983, c. 812, §§243,244 (AMD). 1987, c. 395, §A175 (AMD). 1989, c. 503, §B145 (AMD). 1993, c. 600, §A252 (AMD). 1995, c. 397, §§65,66 (AMD). 2007, c. 402, Pt. S, §5 (AMD). 2013, c. 246, Pt. B, §14 (AMD).

§4908. POWERS AND DUTIES

The board may adopt, amend or repeal rules and regulations, pursuant to Title 5, chapter 375, subchapter II, to carry out this chapter, including, but not limited to, rules and regulations relating to professional conduct in accordance with the policy of this chapter. [1979, c. 300, §3 (RPR).]

1. Register.

[2007, c. 402, Pt. S, §6 (RP) .]

2. Reports.

[2007, c. 402, Pt. S, §7 (RP) .]

3. Employees.

[1995, c. 397, §69 (RP) .]

4. Liaison. The board shall establish relations with bodies which regulate the practice of geology and the practice of soil science, or closely related disciplines, or which certify geologists or soil scientists in other states, and may establish relations with such bodies in other countries for the purposes of achieving uniformly high professional standards and mutual recognition of certification.

[1979, c. 663, §211 (AMD) .]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §§10-A,11 (AMD). 1977, c. 694, §645 (AMD). 1979, c. 300, §3 (RPR). 1979, c. 663, §211 (AMD). 1983, c. 553, §46 (AMD). 1985, c. 785, §B143 (AMD). 1987, c. 395, §§A176,A177 (AMD). 1995, c. 397, §§67-69 (AMD). 1995, c. 502, §H48 (AMD). 2007, c. 402, Pt. S, §§6, 7 (AMD).

§4909. QUALIFICATIONS

1.

[2007, c. 402, Pt. S, §8 (RP) .]

1-A. Application. An applicant for licensure as a geologist or soil scientist shall file an application and pay the application fee as set under section 4912. An applicant for licensure as a geologist or soil scientist must be trustworthy and competent.

[2007, c. 402, Pt. S, §8 (NEW) .]

2. Geologist examination requirements. As a geologist, to qualify to sit for the examination for licensure, an applicant must:

A. Be a graduate of an accredited college or university with a major in geological sciences, or have completed 30 credits in geological sciences at an accredited college or university, or have at least 7 years of professional geological work that shall include either a minimum of 3 years of professional geological work under the supervision of a qualified geologist or a minimum of 5 years of responsible charge of geological work; [2007, c. 402, Pt. S, §8 (AMD).]

B. Have acquired 7 years of experience in responsible charge of geological work, toward which an undergraduate degree with 30 credit hours or more in geological science courses counts as 2 years of training and each year of graduate study in the geological sciences counts as 1/2 year of training, up to a maximum of 2 years of credit; and [2007, c. 402, Pt. S, §8 (AMD).]

C. Receive credit toward the experience requirement subject to the evaluation of the board. Applicants with less than 30 credit hours in geological science courses may be given proportional work-experience credits for such academic credit hours as they may have acquired. [1975, c. 760, §12 (NEW) .]

[2007, c. 402, Pt. S, §8 (AMD) .]

2-A. Soil scientist examination requirements. As a soil scientist, to qualify to sit for the examination for licensure, an applicant must:

A. Be a graduate of an approved 4-year college curriculum leading to a Baccalaureate Degree, in which the applicant has successfully completed a minimum of 15 credit hours of soil or soil-related courses of a pedological nature and have a specific record of an additional 3 years or more of experience in soil science of a grade and character that indicates to the board that the applicant may be competent

to practice as a soil scientist and be otherwise qualified. Teaching pedological courses in a college or university offering an approved 4-year soil science or agronomic curriculum must be considered as experience in soils investigations. [1999, c. 386, Pt. P, §1 (AMD).]

Applicants may sit for the General practice examination upon graduation from an approved 4-year college and may sit for the professional practice examination upon completion of the experience requirement as stated in this subsection.

"Additional 3 years of experience" does not imply a sequence of obtaining a degree and then experience. Experience time may not be granted for time while enrolled in courses, but summer employment must be counted even though a degree may not have been obtained.

Actual field experience in an acceptable apprenticeship program counts as experience time.

Each degree beyond the bachelor's degree counts as one year of experience.

Soil-related courses may amount to only 20% of the required 15 credits for a maximum of 3 credits.

[2007, c. 402, Pt. S, §8 (AMD) .]

3. Examination. An applicant shall sit for and pass an examination before the board or its authorized representatives. Such examination will be held at certain specified times and of such scope as prescribed by the board.

[2007, c. 402, Pt. S, §8 (AMD) .]

Generally, the examinations must test the applicant's knowledge basic to geology or soil science and the applicant's ability to apply that knowledge and to assume responsible charge in the professional practice of geology or soil science. [2007, c. 402, Pt. S, §8 (AMD).]

An applicant for licensure must meet all the requirements of this chapter and, in addition, must have 3 years' experience in geology or soil science as defined by this chapter and in the rules and regulations of the board to be provided. [2007, c. 402, Pt. S, §8 (AMD).]

An applicant failing in an examination may be examined again upon filing a new application and the payment of the prescribed fees. [1983, c. 413, §179 (AMD).]

The board, upon application therefor, and upon payment of the application and license fees, may issue a license as a geologist or soil scientist without written examination to any person holding a license as a geologist or soil scientist issued to that geologist or soil scientist by any state or country having equivalent requirements, when the applicant's qualifications meet the other requirements of this chapter and the rules established by the board. [2007, c. 402, Pt. S, §8 (AMD).]

In determining the qualifications of an applicant for licensure, a majority vote of the board is required. [2007, c. 402, Pt. S, §8 (AMD).]

Any applicant who has passed the examination or has otherwise qualified as a geologist or soil scientist upon payment of the fee as set under section 4912 must have a license as a geologist or soil scientist as appropriate. [2007, c. 402, Pt. S, §8 (AMD).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1973, c. 788, §162 (AMD). 1975, c. 760, §§12,13 (AMD). 1977, c. 694, §646 (AMD). 1981, c. 501, §77 (AMD). 1983, c. 413, §§178-181 (AMD). 1999, c. 386, §P1 (AMD). 2007, c. 402, Pt. S, §8 (AMD).

§4910. EXPIRATION

(REPEALED)

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §14 (AMD). 1979, c. 300, §4 (RP).

§4911. EXPIRATION AND RENEWAL

Licenses expire on December 31st or at such other times as the Commissioner of Professional and Financial Regulation may designate and become invalid on that date unless renewed. [2007, c. 402, Pt. S, §9 (AMD).]

A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 4912. Any person who submits an application for renewal more than 90 days after the 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 received, together with the late fee and renewal fee, within 2 years from the date of the expiration. [2007, c. 402, Pt. S, §9 (AMD).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1979, c. 300, §5 (RPR). 1983, c. 413, §182 (AMD). 1987, c. 395, §A178 (AMD). 1993, c. 404, §A15 (AMD). 1995, c. 502, §H48 (AMD). 1999, c. 685, §15 (AMD). 2007, c. 402, Pt. S, §9 (AMD).

§4912. FEES

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$250 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. S, §10 (AMD); 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §§15,16 (AMD). 1979, c. 34, (AMD). 1983, c. 413, §183 (RPR). 1991, c. 509, §26 (AMD). 1993, c. 404, §A16 (AMD). 1995, c. 502, §H34 (AMD). 1997, c. 141, §1 (AMD). 1999, c. 685, §16 (RPR). 2007, c. 402, Pt. S, §10 (AMD). 2011, c. 286, Pt. B, §5 (REV).

§4913. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

The board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A. [2007, c. 402, Pt. S, §11 (NEW).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §17 (RPR). 1977, c. 694, §§647,648 (AMD). 1983, c. 413, §184 (AMD). 1999, c. 547, §B72 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. S, §11 (RPR).

§4914. REISSUANCE OF CERTIFICATE

The board, for reasons it may deem sufficient, may reissue, following a previous revocation or nonrenewal, a certificate as a certified geologist or soil scientist to any person whose certificate has been revoked, provided 5 members vote in favor of the reissuance. [1975, c. 760, §18 (RPR).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §18 (RPR).

§4915. ENFORCEMENT

(REPEALED)

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 760, §19 (AMD). 2007, c. 402, Pt. S, §12 (RP).

§4916. USE OF NAME

(REPEALED)

SECTION HISTORY

1973, c. 558, §1 (NEW). 1981, c. 501, §78 (RP).

§4917. VIOLATION

(REPEALED)

SECTION HISTORY

1973, c. 558, §1 (NEW). 1981, c. 501, §79 (RP).

§4918. PLANS PREPARED

All geologic plans, specifications, reports or documents which are prepared by a certified geologist or by a subordinate under his direction shall be signed by such geologist, which shall indicate his responsibility for them. [1975, c. 760, §20 (RPR).]

All pedological maps, reports or documents which are prepared by a certified soil scientist or by a subordinate under his direction shall be signed by such certified soil scientist, which shall indicate his responsibility for them. [1975, c. 760, §20 (RPR).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1975, c. 623, §51D (AMD). 1975, c. 760, §20 (RPR).

§4919. UNLICENSED PRACTICE

A person who violates section 4903 is subject to the provisions of Title 10, section 8003-C. [2007, c. 402, Pt. S, §13 (AMD).]

SECTION HISTORY

1973, c. 558, §1 (NEW). 1983, c. 413, §185 (RPR). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 421, §B99 (AMD). 2001, c. 421, §C1 (AFF). 2007, c. 402, Pt. S, §13 (AMD).

§4920. RECEIPTS AND DISBURSEMENTS

(REPEALED)

SECTION HISTORY

1985, c. 389, §22 (NEW). 2007, c. 402, Pt. S, §14 (RP).

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