



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1791

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H.P. 1273

House of Representatives, May 29, 2019

### **An Act To Amend Licensure for Professional Engineers**

(AFTER DEADLINE)

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Submitted by the Department of Professional and Financial Regulation and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STETKIS of Canaan.

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

2 **Sec. 1. 32 MRSA §1251, sub-§1-C** is enacted to read:

3 **1-C. Engineering technology accreditation commission.** "Engineering technology  
4 accreditation commission" means the engineering technology accreditation commission  
5 of the accreditation board.

6 **Sec. 2. 32 MRSA §1251, sub-§5**, as enacted by PL 2013, c. 296, §1, is repealed.

7 **Sec. 3. 32 MRSA §1254, sub-§2**, as amended by PL 2005, c. 315, §4, is further  
8 amended to read:

9 **2. Exception.** A Any department of this State or any of its political subdivisions or  
10 any county, city, town, township or plantation may require the services of a licensed  
11 professional engineer for any public works project if the services of the professional  
12 engineer are required to comply with any provision of law or rule.

13 **Sec. 4. 32 MRSA §1255, sub-§1**, as amended by PL 2005, c. 315, §5, is repealed.

14 **Sec. 5. 32 MRSA §1255, sub-§2**, as amended by PL 2005, c. 315, §6, is repealed.

15 **Sec. 6. 32 MRSA §1255, sub-§3**, as amended by PL 2005, c. 315, §7, is further  
16 amended to read:

17 **3. Certain employees.** An employee or a subordinate of a person holding a license  
18 under this chapter, ~~or an employee of a person exempted from licensure by subsections 1~~  
19 ~~and 2, provided that~~ as long as the practice does not include responsible charge or design  
20 or supervision by the employee or subordinate;

21 **Sec. 7. 32 MRSA §1255, sub-§8**, as enacted by PL 2007, c. 379, §3, is amended  
22 to read:

23 **8. Persons engaged in design of minor construction.** Persons engaged in the  
24 design of the following minor construction do not need to provide stamped and sealed  
25 plans and specifications unless specifically required by the code enforcement officer.

- 26 A. Detached one-family or 2-family residences;
- 27 B. Farm buildings with an overall floor plan not exceeding 3,000 square feet;
- 28 C. Single bathroom additions or renovations in an existing building if there is no  
29 impact on the building's compliance with the National Fire Protection Association  
30 Life Safety Code adopted by the Department of Public Safety, Office of the State Fire  
31 Marshal;
- 32 D. Revisions or additions to plumbing systems costing up to \$10,000 if the work has  
33 no impact on the building's compliance with the National Fire Protection Association  
34 Life Safety Code adopted by the Department of Public Safety, Office of the State Fire  
35 Marshal and does not involve roof drains;

1 E. Revisions to existing heating, ventilation and air conditioning systems and design  
2 of new heating, ventilation and air conditioning systems if the work has no impact on  
3 the building's compliance with the National Fire Protection Association Life Safety  
4 Code adopted by the Department of Public Safety, Office of the State Fire Marshal  
5 requirements and the project does not include more than one heating, ventilation and  
6 air conditioning unit with a maximum cooling capacity of 5 tons or heating capacity  
7 of 200,000 BTUs;

8 F. Revisions or additions to structural systems costing up to \$10,000 if the design is  
9 in accordance with the tables provided in the International Building Code; and

10 G. Revisions or additions to electrical systems costing up to \$10,000 if the work has  
11 no impact on the building's compliance with the National Fire Protection Association  
12 Life Safety Code adopted by the Department of Public Safety, Office of the State Fire  
13 Marshal.

14 All the work that is done under these exemptions must be in accordance with the  
15 licensing requirements of the trade involved, including, but not limited to, all applicable  
16 construction industry design standards such as the National Fire Protection Association  
17 standards, codes, the Maine Uniform Building and Energy Code adopted pursuant to Title  
18 10, chapter 1103 and any other state and municipal building and energy codes the State  
19 Fire Marshal's requirements and ASHRAE Standard 62 and ASHRAE Standard 90 then  
20 in effect.

21 **Sec. 8. 32 MRSA §1256, first ¶**, as amended by PL 2005, c. 315, §10, is further  
22 amended to read:

23 A person who practices or offers to practice the profession of engineering in this  
24 State without being licensed or exempted in accordance with this chapter, or a person  
25 presenting or attempting to use the license or the seal of another, or a person who gives a  
26 false or forged evidence of any kind to the board or to a member of the board in obtaining  
27 a license, or a person who falsely impersonates any other licensee of like or different  
28 name, or a person who attempts to use an expired or revoked license, or a person who  
29 violates any of the provisions of this chapter for which a penalty has not been prescribed  
30 commits a civil violation for which a fine of not more than ~~\$1,000~~ \$10,000 may be  
31 adjudged.

32 **Sec. 9. 32 MRSA §1306, sub-§3**, as amended by PL 2005, c. 315, §15, is further  
33 amended to read:

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

37 The board may not refuse to renew a license for any reason other than failure to pay a  
38 required fee ~~and or~~ or failure to meet the ~~continuing education~~ professional development  
39 requirements, unless it has afforded the licensee an opportunity for an adjudicatory  
40 hearing. The board shall hold an adjudicatory hearing at the written request of any person  
41 who is denied a license without a hearing for any reason other than failure to pay a  
42 required fee, ~~provided that~~ as long as the request for hearing is received by the board

1 within 30 days of the applicant's receipt of written notice of the denial of the application,  
2 the reasons for the denial and the right to request a hearing. Hearings must be conducted  
3 in conformity with Title 5, chapter 375, subchapter 4 to the extent applicable. The board  
4 may subpoena witnesses, records and documents in any hearing it conducts.

5 **Sec. 10. 32 MRSA §1309**, as amended by PL 2005, c. 315, §17, is further  
6 amended to read:

7 **§1309. Roster of licensed professional engineers**

8 A ~~The board shall maintain a roster showing the names of all active licensed~~  
9 ~~professional engineers and newly certified engineer-interns is prepared by the board~~  
10 ~~during the first calendar quarter of each even-numbered year on its publicly accessible~~  
11 ~~website. A supplementary roster of newly licensed professional engineers and newly~~  
12 ~~certified engineer-interns is prepared by the board during the first calendar quarter of~~  
13 ~~each odd-numbered year. The rosters must give the place of business of each listed~~  
14 ~~licensed professional engineer. Copies of the roster and of the supplementary roster are~~  
15 ~~provided to each active professional engineer listed on the roster and furnished to the~~  
16 ~~public must be made available upon request for such fees as the board may authorize in~~  
17 ~~its rules.~~

18 **Sec. 11. 32 MRSA §1352-A, sub-§1, ¶B**, as amended by PL 2013, c. 296, §2, is  
19 further amended to read:

20 B. A person holding a ~~certificate of an active national council record verification~~  
21 ~~issued by the national council~~ whose qualifications meet the requirements of this  
22 chapter upon application may be licensed without further examination.

23 **Sec. 12. 32 MRSA §1352-A, sub-§1, ¶¶D and E**, as amended by PL 2013, c.  
24 296, §2, are further amended to read:

25 D. An applicant who provides proof of graduation from an engineering technology  
26 curriculum approved by the engineering technology accreditation commission or of  
27 an equivalent engineering technology curriculum of 4 years or more; has passed the  
28 national council examination in the fundamentals of engineering; has a record of an  
29 additional 4 years or more of progressive engineering experience, after graduation, of  
30 a grade and character that indicates to the board that the applicant may be competent  
31 to practice and has experienced increased engineering responsibilities; and has passed  
32 the national council examination in the principles and practice of engineering may be  
33 licensed as a professional engineer. An applicant for licensure may not sit for the  
34 principles and practice of engineering examination until the applicant has passed the  
35 fundamentals of engineering examination.

36 E. An applicant who ~~has a baccalaureate~~ provides proof of graduation from an  
37 engineering or engineering technology curriculum ~~that has not been~~ approved by the  
38 accreditation board or from an allied science curriculum of 4 years or more; has  
39 passed the national council ~~written~~ examination in the fundamentals of engineering;  
40 has a record of an additional 8 years or more of progressive engineering experience,  
41 after graduation, of a grade and character that indicates to the board that the applicant  
42 may be competent to practice and has experienced increased engineering

1 responsibilities; and has passed the national council examination in the principles and  
2 practice of engineering may be licensed as a professional engineer. An applicant for  
3 licensure may not sit for the principles and practice of engineering examination until  
4 the applicant has passed the fundamentals of engineering examination.

5 **Sec. 13. 32 MRSA §1352-A, sub-§2, ¶A**, as amended by PL 2013, c. 296, §3, is  
6 further amended to read:

7 A. An applicant for certification as an engineer-intern is eligible to sit for the  
8 fundamentals of engineering examination during the applicant's senior year of college  
9 before graduation from ~~a program approved by the accreditation board~~ an engineering  
10 or engineering technology program of 4 years or more. Certification as an engineer-  
11 intern may not take place until ~~verification~~ the applicant has passed the national  
12 council examination in the fundamentals of engineering and provided proof of  
13 graduation is received.

14 **Sec. 14. 32 MRSA §1352-A, sub-§2, ¶C**, as amended by PL 2013, c. 296, §3, is  
15 further amended to read:

16 C. An applicant who provides proof of graduation from an engineering technology  
17 curriculum approved by the engineering technology accreditation commission of 4  
18 years or more and has passed the national council examination in the fundamentals of  
19 engineering may be certified as an engineer-intern.

20 **Sec. 15. 32 MRSA §1352-A, sub-§2, ¶D**, as amended by PL 2013, c. 588, Pt. A,  
21 §40, is further amended to read:

22 D. An applicant who ~~is a graduate~~ provides proof of graduation from an engineering  
23 or engineering technology curriculum not approved by the accreditation board or an  
24 allied science curriculum of 4 years or more and who has submitted a transcript  
25 showing the completion of the minimum number of engineering science and design  
26 credits as required in ~~a curriculum approved by the accreditation board~~ the national  
27 council engineering education standard and who has passed the national council  
28 examination in the fundamentals of engineering may be certified as an engineer-  
29 intern.

30 **Sec. 16. 32 MRSA §1354**, as amended by PL 2013, c. 296, §5, is further amended  
31 to read:

### 32 **§1354. Examinations**

33 ~~Examinations required on fundamental engineering subjects may be taken as~~  
34 ~~provided in section 1352-A.~~ The principles and practices of engineering examinations  
35 may not be taken until the applicant has completed a period of engineering experience as  
36 set forth in section 1352-A.

37 The passing grade on any examination is established by the ~~board~~ national council. If  
38 ~~an applicant receives a failing grade on the principles and practices of engineering~~  
39 ~~examination, that applicant may be readmitted to 2 subsequent examinations.~~ An  
40 applicant who fails to complete the application process within 5 years, ~~or who fails the~~

1 principles and practices of engineering examination a 3rd time must reapply to the board,  
2 meet qualification requirements that are in effect at the time of the new application and  
3 present 3 new references and new updated documentation for each subsequent request for  
4 reexamination satisfactory to the board that the applicant has acquired additional  
5 education and experience and is prepared to retake the examination. Upon approval by  
6 the board, that applicant may be permitted to retake the examination of engineering work  
7 experience.

8 **Sec. 17. 32 MRSA §1356, last ¶**, as amended by PL 2005, c. 315, §23, is further  
9 amended to read:

10 The board, for reasons it may determine sufficient, may reissue a license to a  
11 professional engineer or a certificate to an engineer-intern to any person whose license or  
12 certificate has been revoked, provided that as long as 4 or more members of the board  
13 vote in favor of that reissuance. A new license as a professional engineer or certificate as  
14 an engineer-intern, to replace any license or certificate revoked, lost, destroyed or  
15 mutilated, may be issued, subject to the rules of the board and a charge fee established by  
16 the board.

17 **Sec. 18. 32 MRSA §1361, 2nd ¶**, as amended by PL 2013, c. 296, §7, is further  
18 amended to read:

19 A retired licensee may retain but not use the seal and may not practice engineering.  
20 A retired licensee may apply for reinstatement to active status in accordance with section  
21 1357 and after completing continuing education professional development requirements  
22 according to board rules.

23 **Sec. 19. 32 MRSA §1362**, as amended by PL 2005, c. 315, §27, is further  
24 amended to read:

25 **§1362. Professional development**

26 **1. Requirement for renewal.** Beginning with registrations or licenses that expire in  
27 December 2005, every person seeking renewal under section 1357 must provide evidence  
28 satisfactory to the board that the person has completed 30 continuing professional  
29 education development hours within the period for which the registration or license was  
30 issued.

31 **2. Failure to meet requirement.** The board may not renew a license of an applicant  
32 who fails to meet the continuing professional education development requirements under  
33 subsection 1. If an applicant subsequently fulfills the requirement after the license has  
34 expired, the board may renew the license for the remainder of the 2-year period for which  
35 a renewal would have been valid but for the applicant's failure to meet the continuing  
36 professional education development requirement.

37 **3. Review; monitoring.** The board shall review and monitor compliance with the  
38 continuing professional education development requirement under subsection 1.

1           **4. Exemptions.** Notwithstanding any other provisions of this chapter, the board or a  
2           3-person committee of the board may allow an exemption or a partial exemption of the  
3           requirements of this section to a person seeking renewal under section 1357 upon the  
4           showing of an extenuating situation, hardship or disability.

5   **SUMMARY**

6           This bill amends the laws governing licensure for professional engineers and  
7           certification for engineer-interns. The bill:

8           1. Changes the term "technology accreditation commission" to "engineering  
9           technology education commission" to reflect current usage;

10          2. Clarifies language regarding the use of professional engineers in public works  
11          projects;

12          3. Repeals the temporary licensing provisions for nonresidents;

13          4. Clarifies and updates references to the building standards and eliminates  
14          references to standards that have been superseded;

15          5. Increases the maximum penalty for violations to \$10,000;

16          6. Clarifies that the State Board of Licensure for Professional Engineers may refuse  
17          to renew a license for failure to pay a required fee or for failure to meet continuing  
18          education requirements, which the bill renames professional development requirements;

19          7. Allows the board to maintain its roster of active licensed professional engineers on  
20          its publicly accessible website;

21          8. Changes the term "certificate of record" to "active national council record" to  
22          reflect current usage of the National Council of Examiners for Engineering and  
23          Surveying;

24          9. Clarifies and updates language regarding education requirements and  
25          examinations;

26          10. Identifies the National Council of Examiners for Engineering and Surveying  
27          engineering education standard as the standard used by the board when accepting  
28          engineering and engineering technology credits from a program not approved by the  
29          accreditation board;

30          11. Eliminates language regarding examinations on fundamental engineering  
31          subjects and amends language on passing examination grades and the number of times an  
32          examination may be taken by an applicant; and

33          12. Clarifies language regarding reinstatement of a license after revocation.