

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 1273 - L.D. 1791

An Act To Amend Licensure for Professional Engineers

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

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

1-C. Engineering technology accreditation commission. "Engineering technology accreditation commission" means the engineering technology accreditation commission of the accreditation board.

Sec. 2. 32 MRSA §1251, sub-§5, as enacted by PL 2013, c. 296, §1, is repealed.

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

2. Exception. A Any department of this State or any of its political subdivisions or any county, city, town, township or plantation may require the services of a 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Sec. 4. 32 MRSA §1255, sub-§1, as amended by PL 2005, c. 315, §5, is repealed.

Sec. 5. 32 MRSA §1255, sub-§2, as amended by PL 2005, c. 315, §6, is repealed.

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

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

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

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

- A. Detached one-family or 2-family residences;
- B. Farm buildings with an overall floor plan not exceeding 3,000 square feet;
- C. Single bathroom additions or renovations in an existing building if there is no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal;
- D. Revisions or additions to plumbing systems costing up to \$10,000 if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and does not involve roof drains;
- E. Revisions to existing heating, ventilation and air conditioning systems and design of new heating, ventilation and air conditioning systems if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal requirements and the project does not include more than one heating, ventilation and air conditioning unit with a maximum cooling capacity of 5 tons or heating capacity of 200,000 BTUs;
- F. Revisions or additions to structural systems costing up to \$10,000 if the design is in accordance with the tables provided in the International Building Code; and
- G. Revisions or additions to electrical systems costing up to \$10,000 if the work has no impact on the building's compliance with the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

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

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

A person who practices or offers to practice the profession of engineering in this State without being licensed or exempted in accordance with this chapter, or a person presenting or attempting to use the 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 license, or a person who falsely impersonates any other licensee of like or different name, or a person who attempts to use an expired or revoked 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 fine of not more than ~~\$1,000~~ \$10,000 may be adjudged.

Sec. 9. 32 MRSA §1306, sub-§3, as amended by PL 2005, c. 315, §15, 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 or~~ failure to meet the ~~continuing education~~ professional development 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~~ as long as 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 4 to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

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

§1309. Roster of licensed professional engineers

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

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

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

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

D. An applicant who provides proof of graduation from an engineering technology curriculum approved by the engineering technology accreditation commission or of an equivalent engineering technology curriculum of 4 years or more; has passed the

national council 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 the national council examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for 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~~ provides proof of graduation from an engineering or engineering technology curriculum ~~that has not been approved by the accreditation board or from an allied science curriculum of 4 years or more;~~ has passed the national council ~~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 the national council examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

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

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~~ an engineering or engineering technology program of 4 years or more. Certification as an engineer-intern may not take place until ~~verification~~ the applicant has passed the national council examination in the fundamentals of engineering and provided proof of graduation is received.

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

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

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

D. An applicant who ~~is a graduate~~ provides proof of graduation from an engineering or engineering technology curriculum not approved by the accreditation board 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~~ the national council engineering education standard and who has passed the national council

examination in the fundamentals of engineering may be certified as an engineer-intern.

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

§1354. Examinations

~~Examinations required on fundamental engineering subjects may be taken as provided in section 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-A.~~

The passing grade on any examination is established by the ~~board~~ national council. ~~If an applicant receives a failing grade on the principles and practices of engineering examination, that applicant may be readmitted to 2 subsequent examinations. An applicant who fails to complete the application process within 5 years, or who fails the principles and practices of engineering examination a 3rd time must reapply to the board, meet qualification requirements that are in effect at the time of the new application and present 3 new references and new updated 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, that applicant may be permitted to retake the examination of engineering work experience.~~

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

The board, for reasons it may determine sufficient, may reissue a license to a professional engineer or a certificate to an engineer-intern to any person whose license or certificate has been revoked, ~~provided that as long as~~ 4 or more members of the board vote in favor of that reissuance. A new 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~~ fee established by the board.

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

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

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

§1362. Professional development

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~~ development hours within the period for which the registration or license was issued.

2. Failure to meet requirement. The board may not renew a license of an applicant who fails to meet the ~~continuing~~ professional ~~education~~ development requirements under subsection 1. If an applicant subsequently fulfills the requirement after the license has expired, the board may renew the 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~~ development requirement.

3. Review; monitoring. The board shall review and monitor compliance with the ~~continuing~~ professional ~~education~~ development 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.