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Date: (Filing No. S-)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 161, L.D. 354, “An Act to Amend the Laws Regarding the Use of Engineers on Public Works Projects over \$100,000”

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Laws Regarding the Use of Licensed Professional Engineers on Certain Public Works Projects'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. **32 MRSA §1254**, as amended by PL 2019, c. 375, §3, is repealed and the following enacted in its place:

§1254. Public works

1. Requirement for licensed professional engineer; exception. When any department of this State or any of this State's political subdivisions or any county, city, town, township or plantation engages in construction of a public works project that involves professional engineering, the services of a licensed professional engineer must be used in the public works project unless an authorized representative of the department of this State or any of this State's political subdivisions or any county, city, town, township or plantation engaged in the construction of a public works project issues a written determination that the life, health and property of the public will be adequately protected without the services of a licensed professional engineer.

For purposes of this subsection, the Director of the Bureau of General Services within the Department of Administrative and Financial Services is the authorized representative of a department of this State engaged in public works projects that constitute public improvements under Title 5, chapter 153.

2. Continuing authority to require licensed professional engineer. Subsection 1 may not be construed to limit the authority of a department of this State or any of this State's political subdivisions or any county, city, town, township or plantation to require the services of a licensed professional engineer for any public works project.'

COMMITTEE AMENDMENT

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, replaces the bill, which
5 is a concept draft, and changes the title. It repeals and replaces the Maine Revised Statutes,
6 Title 32, section 1254. It exempts certain public works construction projects that would
7 otherwise require the services of a licensed professional engineer if: an authorized
8 representative of a department of this State or any of this State's political subdivisions or
9 any county, city, town, township or plantation engaged in the construction of a public works
10 project issues a written determination that the life, health and property of the public will be
11 adequately protected without the services of a licensed professional engineer. For purposes
12 of issuing the written determination, the Director of the Bureau of General Services within
13 the Department of Administrative and Financial Services is the authorized representative
14 of a department of this State engaged in public works that constitute public improvements
15 under Title 5, chapter 153. The amendment also clarifies that a department of this State or
16 any of this State's political subdivisions or any county, city, town, township or plantation
17 may still require the services of a licensed professional engineer for any public works
18 project.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**