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S.P. 386

In Senate, March 23, 2017

An Act To Amend the Laws Regarding Licensure for Professional Engineers

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.

Cosponsored by Representative FECTEAU of Biddeford and

Senators: BELLOWS of Kennebec, LANGLEY of Hancock, Representatives: AUSTIN of Gray, LOCKMAN of Amherst, MASTRACCIO of Sanford, STETKIS of Canaan, SYLVESTER of Portland, VACHON of Scarborough.

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

2 **Sec. 1. 32 MRSA §1251, sub-§5**, as enacted by PL 2013, c. 296, §1, is amended
3 to read:

4 **5. Technology accreditation commission.** "Technology accreditation commission"
5 means the engineering technology accreditation commission of the accreditation board.

6 **Sec. 2. 32 MRSA §1255, sub-§1**, as amended by PL 2005, c. 315, §5, is repealed.

7 **Sec. 3. 32 MRSA §1255, sub-§2**, as amended by PL 2005, c. 315, §6, is repealed.

8 **Sec. 4. 32 MRSA §1255, sub-§3**, as amended by PL 2005, c. 315, §7, is further
9 amended to read:

10 **3. Certain employees.** An employee or a subordinate of a person holding a license
11 under this chapter; or an employee of a person ~~exempted from licensure by subsections 1~~
12 ~~and 2, provided that holding a temporary license under section 1352-A, subsection 3,~~
13 paragraph A or B as long as the practice does not include responsible charge or design or
14 supervision by the employee or subordinate;

15 **Sec. 5. 32 MRSA §1255, sub-§8**, as enacted by PL 2007, c. 379, §3, is amended
16 to read:

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

20 A. Detached one-family or 2-family residences;

21 B. Farm buildings with an overall floor plan not exceeding 3,000 square feet;

22 C. Single bathroom additions or renovations in an existing building if there is no
23 impact on the building's compliance with the National Fire Protection Association
24 Life Safety Code adopted by the Department of Public Safety, Office of the State Fire
25 Marshal;

26 D. Revisions or additions to plumbing systems costing up to \$10,000 if the work has
27 no impact on the building's compliance with the National Fire Protection Association
28 Life Safety Code adopted by the Department of Public Safety, Office of the State Fire
29 Marshal and does not involve roof drains;

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

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

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

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

13 **Sec. 6. 32 MRSA §1306, sub-§3**, as amended by PL 2005, c. 315, §15, is further
14 amended to read:

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

18 The board may not refuse to renew a license for any reason other than failure to pay a
19 required fee ~~and failure to meet the continuing education requirements,~~ unless it has
20 afforded the licensee an opportunity for an adjudicatory hearing. The board shall hold an
21 adjudicatory hearing at the written request of any person who is denied a license without
22 a hearing for any reason other than failure to pay a required fee, ~~provided that as long as~~
23 the request for hearing is received by the board within 30 days of the applicant's receipt of
24 written notice of the denial of the application, the reasons for the denial and the right to
25 request a hearing. Hearings must be conducted in conformity with Title 5, chapter 375,
26 subchapter 4 to the extent applicable. The board may subpoena witnesses, records and
27 documents in any hearing it conducts.

28 **Sec. 7. 32 MRSA §1309**, as amended by PL 2005, c. 315, §17, is further amended
29 to read:

30 **§1309. Roster of licensed professional engineers**

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

41 **Sec. 8. 32 MRSA §1352-A, sub-§1, ¶A-1** is enacted to read:

1 A-1. An applicant for licensure by endorsement or comity who provides proof that
2 the applicant is a licensed professional engineer in good standing in another state,
3 territory or possession of the United States, District of Columbia or any foreign
4 country who has been licensed under qualifications that in the opinion of the board
5 are substantially equivalent to the requirements in this chapter may be licensed; the
6 board, giving due consideration to the protection of the public, may waive additional
7 qualifications if the applicant has practiced as a licensed professional engineer for a
8 minimum of 10 years and has never been subject to disciplinary action in this or any
9 other jurisdiction.

10 **Sec. 9. 32 MRSA §1352-A, sub-§1, ¶¶B and E**, as amended by PL 2013, c.
11 296, §2, are further amended to read:

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

15 E. An applicant who ~~has a baccalaureate~~ provides proof of graduation from an
16 engineering or engineering technology curriculum ~~that has not been~~ approved by the
17 accreditation board or from an allied science curriculum of 4 years or more; has
18 passed the national council ~~written~~ examination in the fundamentals of engineering;
19 has a record of an additional 8 years or more of progressive engineering experience,
20 after graduation, of a grade and character that indicates to the board that the applicant
21 may be competent to practice and has experienced increased engineering
22 responsibilities; and has passed the national council examination in the principles and
23 practice of engineering may be licensed as a professional engineer. An applicant for
24 licensure may not sit for the principles and practice of engineering examination until
25 the applicant has passed the fundamentals of engineering examination.

26 **Sec. 10. 32 MRSA §1352-A, sub-§2, ¶A**, as amended by PL 2013, c. 296, §3, is
27 further amended to read:

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

35 **Sec. 11. 32 MRSA §1352-A, sub-§2, ¶D**, as amended by PL 2013, c. 588, Pt. A,
36 §40, is further amended to read:

37 D. An applicant who ~~is a graduate~~ provides proof of graduation from an engineering
38 or engineering technology curriculum not approved by the accreditation board or an
39 allied science curriculum of 4 years or more and who has submitted a transcript
40 showing the completion of the minimum number of engineering science and design
41 credits as required in a curriculum approved by the accreditation board and who has
42 passed the national council examination in the fundamentals of engineering may be
43 certified as an engineer-intern.

1 **Sec. 12. 32 MRSA §1352-A, sub-§3** is enacted to read:

2 **3. Temporary license.** This subsection provides for temporary licensure.

3 A. An applicant who provides proof that the applicant is a licensed professional
4 engineer in good standing in another state, territory or possession of the United
5 States, District of Columbia or any foreign country who has been licensed under
6 qualifications substantially equivalent to the requirements in this chapter and who
7 completes an application for a temporary license and pays a fee established by rule by
8 the board may obtain a temporary license that is valid for 30 days. An applicant may
9 obtain only one 30-day temporary license in any 12-month period. To practice under
10 this section, the person must receive written authorization from the board.

11 B. An applicant who provides proof that the applicant is a licensed professional
12 engineer in good standing in another state, territory or possession of the United
13 States, District of Columbia or any foreign country who has been licensed under
14 qualifications substantially equivalent to the requirements in this chapter and who
15 completes an application for a temporary license and pays a fee established by rule by
16 the board and who concurrently submits an application for professional engineering
17 licensure and pays the application fee established by rule of the board may obtain a
18 temporary license that is valid until the board makes a final determination on the
19 application for professional engineering licensure. To practice under this section, the
20 person must receive written authorization from the board.

21 **Sec. 13. 32 MRSA §1354**, as amended by PL 2013, c. 296, §5, is further amended
22 to read:

23 **§1354. Examinations**

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

28 The passing grade on any examination is established by the board. ~~If an applicant~~
29 ~~receives a failing grade on the principles and practices of engineering examination, that~~
30 ~~applicant may be readmitted to 2 subsequent examinations. An applicant who fails to~~
31 ~~complete the application process within 5 years, or who fails the principles and practices~~
32 ~~of engineering examination a 3rd time must reapply to the board, and meet qualification~~
33 ~~requirements that are in effect at the time of the new application and present 3 new~~
34 ~~references and new documentation for each subsequent request for reexamination~~
35 ~~satisfactory to the board that the applicant has acquired additional education and~~
36 ~~experience and is prepared to retake the examination. Upon approval by the board, that~~
37 ~~applicant may be permitted to retake the examination.~~

38 **Sec. 14. 32 MRSA §1356, last ¶**, as amended by PL 2005, c. 315, §23, is further
39 amended to read:

40 The board, for reasons it may determine sufficient, may reissue a license to a
41 professional engineer or a certificate to an engineer-intern to any person whose license or

1 certificate has been revoked, ~~provided that~~ as long as 4 or more members of the board
2 vote in favor of that reissuance. A new license as a professional engineer or certificate as
3 an engineer-intern, to replace any license or certificate revoked, lost, destroyed or
4 mutilated, may be issued, subject to the rules of the board and a ~~charge~~ fee established by
5 the board.

6 **Sec. 15. 32 MRSA §1357**, as amended by PL 2015, c. 228, §1 and affected by §2,
7 is further amended to read:

8 **§1357. Expiration and renewals**

9 Licenses expire on the last day of December of each odd-numbered year and a
10 licensee may not practice professional engineering with an expired license. The board
11 shall notify every person licensed under this chapter of the date of the expiration of that
12 person's license and the amount of the fee that is required for its renewal. The notice
13 must be provided at least one month in advance of the date of the expiration of the
14 license. A license may be renewed ~~after completion of professional development~~
15 ~~requirements and~~ after payment of a fee established by rule by the board, which may not
16 exceed \$200 annually. Licenses may be renewed up to 90 days after the date of
17 expiration upon payment of a late fee established by rule by the board in addition to the
18 renewal fee. Any person who submits an application for renewal more than 90 days after
19 the license renewal date is subject to all requirements governing new applicants under
20 this chapter, except that if the renewal application is made within 3 years from the date of
21 the expiration the board may, giving due consideration to the protection of the public,
22 waive any additional qualifications if the licensee has held a license for at least 10 years;
23 ~~has completed all professional development requirements~~ and has never been subject to
24 discipline in this or any other jurisdiction.

25 **Sec. 16. 32 MRSA §1361, last ¶**, as amended by PL 2013, c. 296, §7, is further
26 amended to read:

27 A retired licensee may retain but not use the seal and may not practice engineering.
28 A retired licensee may apply for reinstatement to active status in accordance with section
29 1357 ~~and after completing continuing education requirements according to board rules.~~

30 **Sec. 17. 32 MRSA §1362**, as amended by PL 2005, c. 315, §27, is repealed.

31 **SUMMARY**

32 This bill makes changes to the laws regarding licensure for professional engineers.

33 It amends the definition of "technology accreditation commission" to provide that it is
34 an engineering technology accreditation commission.

35 It updates references to codes and standards governing persons engaged in the design
36 of minor construction.

37 It provides for the electronic updating of the roster of active licensed professional
38 engineers.

1 It allows the State Board of Licensure for Professional Engineers to grant licensure to
2 applicants from other jurisdictions who have been licensed in good standing for at least
3 10 years and whose qualifications are substantially equivalent to those required by the
4 State. It also clarifies language usage and makes changes to provide consistency.

5 It changes the laws regarding practice by nonresidents by moving from allowing for
6 exceptions to licensure to providing for temporary licensure.

7 It removes the requirement for 4 years of engineering work experience prior to taking
8 the national examination on the principles and practices of engineering. It also removes
9 the requirement for individuals who fail the exam 3 times to reapply and provide proof of
10 further experience or study.

11 It removes the requirement for professional development. It also removes a reference
12 to a subcommittee of the board.