

CHAPTER 19

ENGINEERS

SUBCHAPTER 1

GENERAL PROVISIONS

§1251. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2013, c. 296, §1 (AMD).]

1. Board. "Board" means the State Board of Licensure for Professional Engineers.
[PL 2005, c. 315, §2 (AMD).]

1-A. Accreditation board. "Accreditation board" means the accreditation board for engineering and technology.
[PL 2013, c. 296, §1 (NEW).]

1-B. Engineering accreditation commission. "Engineering accreditation commission" means the engineering accreditation commission of the accreditation board.
[PL 2013, c. 296, §1 (NEW).]

1-C. Engineering technology accreditation commission. "Engineering technology accreditation commission" means the engineering technology accreditation commission of the accreditation board.
[PL 2019, c. 375, §1 (NEW).]

2. Engineer-intern. "Engineer-intern" means a person who has been certified as an engineer-intern by the board.
[PL 2013, c. 296, §1 (AMD).]

2-A. National council. "National council" means the National Council of Examiners for Engineering and Surveying.
[PL 2013, c. 296, §1 (NEW).]

3. Practice of professional engineering. "Practice of professional engineering" means any professional service, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.
[PL 2013, c. 296, §1 (AMD).]

4. Professional engineer. "Professional engineer" means a person who, by reason of a knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined.
[PL 2013, c. 296, §1 (AMD).]

5. Technology accreditation commission.
[PL 2019, c. 375, §2 (RP).]

SECTION HISTORY

PL 1995, c. 355, §1 (AMD). PL 2005, c. 315, §2 (AMD). PL 2013, c. 296, §1 (AMD). PL 2019, c. 375, §§1-2 (AMD).

§1252. Other legally recognized professions not affected

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

§1253. Corporations, partnerships and associations

A firm, copartnership, corporation or joint stock association may engage in the practice of professional engineering in this State, provided that the practice is carried on only by professional engineers licensed in this State. [PL 2005, c. 315, §3 (AMD).]

SECTION HISTORY

PL 1983, c. 413, §40 (AMD). PL 2005, c. 315, §3 (AMD).

§1254. Public works

1. Use of licensed professional engineer not required. Except as provided in subsection 2, any department of this State or any of its political subdivisions or any county, city, town, township or plantation may engage in construction of any public work involving professional engineering without procuring the services of a licensed professional engineer, as long as the contemplated expenditure for the completed project does not exceed \$100,000 and the work, both as performed and as completed, does not create an undue risk to public safety or welfare. [PL 2005, c. 315, §4 (AMD).]

2. Exception. 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.

[PL 2019, c. 375, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 304, §1 (RPR). PL 2005, c. 315, §4 (AMD). PL 2019, c. 375, §3 (AMD).

§1255. Exemptions

The following persons are exempt from this chapter: [PL 1991, c. 442, §1 (AMD).]

1. Limited practice by nonresident.

[PL 2019, c. 375, §4 (RP).]

2. Nonresident becoming resident.

[PL 2019, c. 375, §5 (RP).]

3. Certain employees. An employee or a subordinate of a person holding a license under this chapter as long as the practice does not include responsible charge or design or supervision by the employee or subordinate;

[PL 2019, c. 375, §6 (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 engineering for said government.

5. Interstate commerce corporation employees. An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of such corporation. An officer or employee of such corporation customarily in responsible charge of the engineering work of such corporation within this State must be a licensee under this chapter;

[PL 2005, c. 315, §8 (AMD).]

6. Subsurface sewage disposal. Persons who have been licensed by the Department of Health and Human Services pursuant to Title 22, section 42, subsection 3-A, solely for the purpose of work relating to subsurface sewage disposal systems. This exemption does not apply to the board's power to license or to revoke, suspend or refuse to renew the license of any licensee;

[PL 2007, c. 379, §1 (AMD).]

7. Person who performs work on certain vessels. A person who performs work only on vessels under 200 feet long; and

[PL 2007, c. 379, §2 (AMD).]

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; [PL 2007, c. 379, §3 (NEW).]

B. Farm buildings with an overall floor plan not exceeding 3,000 square feet; [PL 2007, c. 379, §3 (NEW).]

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; [PL 2007, c. 379, §3 (NEW).]

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; [PL 2007, c. 379, §3 (NEW).]

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; [PL 2007, c. 379, §3 (NEW).]

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 [PL 2007, c. 379, §3 (NEW).]

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. [PL 2007, c. 379, §3 (NEW).]

All work 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 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 then in effect.

[PL 2019, c. 375, §7 (AMD).]

SECTION HISTORY

PL 1975, c. 760, §5 (AMD). PL 1991, c. 442, §§1,2 (AMD). PL 1995, c. 355, §§2,3 (AMD). PL 1999, c. 186, §§1,2 (AMD). PL 2003, c. 34, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 315, §§5-9 (AMD). PL 2007, c. 379, §§1-3 (AMD). PL 2019, c. 375, §§4-7 (AMD).

§1256. Violations; penalties; injunction

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 \$10,000 may be adjudged. [PL 2019, c. 375, §8 (AMD).]

The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted. [PL 2001, c. 421, Pt. B, §95 (AMD); PL 2001, c. 421, Pt. C, §1 (AFF).]

SECTION HISTORY

PL 1983, c. 413, §41 (AMD). PL 1995, c. 355, §4 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 421, §B95 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2005, c. 315, §10 (AMD). PL 2019, c. 375, §8 (AMD).

SUBCHAPTER 2

STATE BOARD OF LICENSURE

§1301. Appointment; term

The State Board of Licensure for Professional Engineers, as established by Title 5, section 12004-A, subsection 16, administers this chapter. The board consists of 7 members. Six members are appointed by the Governor, of which 5 must be professional engineers who have the qualifications required by section 1302 and one must be a public member. The 7th member is the Chief Engineer of the Department of Transportation who shall serve as an ex officio voting member. To the extent that qualified nominees are available, appointment of nonpublic members must be made to ensure that a variety of engineering disciplines are represented. Nominees for appointment may be recommended to the Governor by representative engineering societies in the State. [PL 2005, c. 315, §12 (AMD).]

Appointments are for 5-year terms. Appointments of members must comply with Title 10, section 8009. [PL 2007, c. 695, Pt. B, §8 (AMD).]

SECTION HISTORY

PL 1975, c. 575, §16 (AMD). PL 1975, c. 771, §341 (AMD). PL 1983, c. 413, §42 (RPR). PL 1983, c. 812, §204 (AMD). PL 1989, c. 503, §B126 (AMD). PL 1991, c. 442, §3 (AMD). PL 1993, c. 600, §A103 (AMD). PL 1995, c. 355, §5 (AMD). PL 2005, c. 315, §12 (AMD). PL 2007, c. 695, Pt. B, §8 (AMD).

§1302. Qualifications

Each member of the board must be a citizen of the United States and a resident of this State, and each engineer member must have been engaged in the practice of the profession of engineering for at least 12 years and must have been in responsible charge of engineering work for at least 5 years. Teaching of engineering courses in a college or university offering an approved engineering curriculum of 4 years or more may be construed as responsible charge of engineering work. [PL 1999, c. 186, §3 (AMD).]

SECTION HISTORY

PL 1975, c. 575, §17 (AMD). PL 1995, c. 355, §6 (AMD). PL 1999, c. 186, §3 (AMD).

§1303. Compensation and expenses

Members of the board shall be compensated according to the provisions of Title 5, chapter 379. Clerical expenses shall not be allowed any member of the board, except as provided in section 1307. [PL 1983, c. 812, §205 (RPR).]

SECTION HISTORY

PL 1983, c. 812, §205 (RPR).

§1304. Removal

The Governor may remove a member of the board for cause. [PL 1993, c. 600, Pt. A, §104 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §342 (AMD). PL 1983, c. 413, §43 (AMD). PL 1993, c. 600, §A104 (AMD).

§1305. Organization and meetings

The board shall meet at least once a year to conduct its business and to elect its officers. 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. [PL 2005, c. 315, §13 (AMD).]

The board shall elect or appoint annually a chair and vice-chair. A quorum of the board consists of not less than 4 members. The board may adopt and have an official seal. [PL 2005, c. 315, §13 (AMD).]

SECTION HISTORY

PL 1975, c. 575, §18 (AMD). PL 1983, c. 413, §44 (RPR). PL 2005, c. 315, §13 (AMD).

§1306. Powers

The board shall have the following duties and powers in addition to those otherwise set forth in this chapter. [PL 1983, c. 413, §45 (RPR).]

1. Licenses; enforcement. The board shall evaluate the qualifications and supervise the examination of applicants for licensure under this chapter. The board may order an investigation of a licensee on its own motion or on written complaint filed with the board regarding noncompliance with or violation of any section of this chapter or of any rules adopted by the board. [PL 2005, c. 315, §14 (AMD).]

2. Rules. The board may, in accordance with procedures established by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter. [PL 1983, c. 413, §45 (NEW).]

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 or failure to meet the 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, 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.

[PL 2019, c. 375, §9 (AMD).]

4. Contracts. The board may enter into contracts to carry out its responsibilities under this chapter. [PL 1983, c. 413, §45 (NEW).]

SECTION HISTORY

PL 1977, c. 694, §563 (AMD). PL 1983, c. 413, §45 (RPR). PL 1995, c. 355, §7 (AMD). PL 2005, c. 315, §§14,15 (AMD). PL 2019, c. 375, §9 (AMD).

§1307. Receipts and disbursements

The board shall receive and account for all money derived under this chapter and shall pay the money, as provided by law, to the Treasurer of State, who shall keep the money in a separate fund to be known as the "Professional Engineers' Fund." The board may make other expenditures from this fund, upon itemized vouchers approved by the chair of the board, that in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter. [PL 1999, c. 186, §4 (AMD).]

SECTION HISTORY

PL 1995, c. 355, §8 (AMD). PL 1999, c. 186, §4 (AMD).

§1308. Records and reports

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions. [PL 1983, c. 413, §46 (RPR).]

Not later than August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to the commissioner a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair. [PL 2005, c. 315, §16 (AMD).]

The commissioner shall act as a liaison between the board and the Governor. [PL 1983, c. 413, §46 (RPR).]

The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter. [PL 1993, c. 659, Pt. B, §6 (AMD).]

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter. [PL 1993, c. 659, Pt. B, §7 (AMD).]

SECTION HISTORY

PL 1977, c. 604, §15 (AMD). PL 1981, c. 456, §§A107,A108 (AMD). PL 1983, c. 413, §46 (RPR). PL 1983, c. 553, §46 (AMD). PL 1983, c. 758, §§5,6 (AMD). RR 1993, c. 1, §§82,83 (COR). PL 1993, c. 659, §§B6,7 (AMD). PL 2005, c. 315, §16 (AMD).

§1309. Roster of licensed professional engineers

The board shall maintain a roster of all active licensed professional engineers and certified engineer-interns on its publicly accessible website. Copies of the roster must be made available upon request for such fees as the board may authorize in its rules. [PL 2019, c. 375, §10 (AMD).]

SECTION HISTORY

PL 1979, c. 13, §9 (RP). PL 1979, c. 541, §A206 (REEN). PL 1981, c. 2 (RPR). PL 1981, c. 456, §A109 (AMD). PL 1981, c. 698, §158 (AMD). PL 1991, c. 442, §4 (AMD). PL 1995, c. 355, §9 (AMD). PL 1999, c. 186, §5 (AMD). PL 2005, c. 315, §17 (AMD). PL 2019, c. 375, §10 (AMD).

SUBCHAPTER 3

LICENSURE

§1351. Licensure required

In order to safeguard life, health and property, any person practicing or offering to practice the profession of engineering is required to submit evidence of qualification to practice the profession of engineering and must be licensed as provided. It is unlawful for any person to practice or to offer to practice the profession of engineering in the State or to use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that the person is a professional engineer, unless that person has been duly licensed or exempted under this chapter. [PL 2005, c. 315, §19 (AMD).]

SECTION HISTORY

PL 1995, c. 355, §10 (AMD). PL 2005, c. 315, §19 (AMD).

§1352. Qualifications

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §47 (AMD). PL 1991, c. 442, §5 (AMD). PL 1995, c. 355, §11 (AMD). PL 1999, c. 186, §6 (RP).

§1352-A. Qualifications

To be eligible for licensure as a professional engineer, an applicant must submit 5 references with the application for licensure as a professional engineer, 3 of which must be from licensed professional engineers from this State or another state, territory or possession of the United States, District of Columbia or any foreign country having personal knowledge of the applicant's engineering experience. To be eligible for certification as an engineer-intern, an applicant must submit 3 character references with the application for certification. Each applicant shall demonstrate that the applicant is trustworthy and competent to engage in the practice of professional engineering in such a manner as to safeguard the interests of the public. [PL 2005, c. 315, §20 (AMD).]

1. Professional engineer. Minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer includes the following.

A. An applicant for licensure by endorsement or comity who provides proof that the applicant is a licensed professional engineer, in good standing, in another state, territory or possession of the United States, District of Columbia or any foreign country and whose qualifications meet the requirements of this chapter upon application may be licensed without further examination. To seek licensure under this paragraph, the applicant must be a graduate of an engineering curriculum approved by the engineering accreditation commission or of an equivalent engineering curriculum and have not less than 4 years of acceptable engineering experience after graduation and have been licensed by passing the national council principles and practice of engineering examination and the fundamentals of engineering examination. [PL 2013, c. 296, §2 (AMD).]

A-1. An applicant for licensure by endorsement or comity who provides proof that the applicant has been a licensed professional engineer, in good standing, in another state, territory or possession of the United States, the District of Columbia or any foreign country for a minimum of 8 years and whose licensure qualifications are, in the opinion of the board, substantially equivalent to the requirements in this chapter and who has never been subject to disciplinary action as a professional engineer may be licensed as a professional engineer. The board, giving due consideration to the protection of the public, may waive additional qualifications. [PL 2021, c. 47, §1 (NEW).]

B. A person holding an active national council record whose qualifications meet the requirements of this chapter upon application may be licensed without further examination. [PL 2019, c. 375, §11 (AMD).]

C. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission or of an equivalent engineering 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. [PL 2013, c. 296, §2 (AMD).]

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. [PL 2019, c. 375, §12 (AMD).]

E. An applicant who provides proof of graduation from an engineering or engineering technology curriculum not approved by the accreditation board or from an allied science curriculum of 4 years or more; has passed the national council 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. [PL 2019, c. 375, §12 (AMD).]

F. [PL 2005, c. 315, §20 (RP).]

G. [PL 2013, c. 296, §2 (RP).]

H. [PL 2013, c. 296, §2 (RP).]

Engineering teaching experience of 4 years or more in a college or university offering an engineering or engineering technology curriculum approved by the accreditation board may be considered as engineering experience.

[PL 2021, c. 47, §1 (AMD).]

2. Engineer-intern. Minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer-intern includes the following.

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 an engineering or engineering technology program of 4 years or more. Certification as an engineer-intern may not take place until the applicant has passed the national council examination in the fundamentals of engineering and provided proof of graduation. [PL 2019, c. 375, §13 (AMD).]

B. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission or of an equivalent engineering curriculum of 4 years or more and has passed the national council examination in the fundamentals of engineering may be certified as an engineer-intern. [PL 2013, c. 296, §3 (AMD).]

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. [PL 2019, c. 375, §14 (AMD).]

D. An applicant who 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 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. [PL 2019, c. 375, §15 (AMD).]

E. [PL 2005, c. 315, §20 (RP).]

Certification as an engineer-intern is valid for an indefinite period.
[PL 2019, c. 375, §§13-15 (AMD).]

A person having the necessary qualifications prescribed in this chapter is eligible for licensure even though the person may not be practicing the engineering profession at the time of submitting an application. [PL 2005, c. 315, §20 (AMD).]

SECTION HISTORY

PL 1999, c. 186, §7 (NEW). PL 2005, c. 315, §20 (AMD). PL 2013, c. 296, §§2, 3 (AMD). PL 2013, c. 588, Pt. A, §40 (AMD). PL 2019, c. 375, §§11-15 (AMD). PL 2021, c. 47, §1 (AMD).

§1353. Application; fees

Application for licensure as a professional engineer or certification as an engineer-intern must be made on a form prescribed and furnished by the board, contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical experience and contain references as set forth in section 1352-A, none of which may be from members of the board. An application fee may be established by rule by the board in an amount that is reasonable and necessary for its purpose. [PL 2013, c. 296, §4 (AMD).]

The licensure fee for professional engineers must be established by rule by the board in an amount not to exceed \$200. [PL 2005, c. 315, §21 (AMD).]

The fee for engineer-intern certification or enrollment must be established by rule by the board in an amount not to exceed 1/2 of the licensure fee for professional engineers. [PL 2005, c. 315, §21 (AMD).]

SECTION HISTORY

PL 1983, c. 413, §48 (AMD). PL 1991, c. 442, §6 (AMD). PL 1995, c. 355, §12 (AMD). RR 1999, c. 1, §44 (COR). PL 2005, c. 315, §21 (AMD). PL 2013, c. 296, §4 (AMD).

§1354. Examinations

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. [PL 2019, c. 375, §16 (AMD).]

The passing grade on any examination is established by the national council. An applicant who fails to complete the application process within 5 years 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 updated documentation of engineering work experience. [PL 2019, c. 375, §16 (AMD).]

SECTION HISTORY

PL 1983, c. 468, §2 (AMD). PL 1995, c. 355, §13 (AMD). PL 1999, c. 186, §8 (AMD). PL 2013, c. 296, §5 (AMD). PL 2019, c. 375, §16 (AMD).

§1355. Licenses; seals

The board shall issue a license upon payment of the licensure fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The license authorizes the practice of "professional engineering." Licenses must show the full name of the licensee, have a serial number and be signed by the chair of the board under seal of the board. [PL 2005, c. 315, §22 (AMD).]

The issuance of a license by the board is evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer while the license remains unrevoked or unexpired. [RR 2005, c. 1, §15 (COR).]

Each licensee upon licensure may obtain a seal of the design authorized by the board, bearing the licensee's name and the legend "licensed professional engineer." Plans, specifications, plats and reports issued by a licensee must be stamped with the seal, as prescribed in the rules of the board, during the life of the licensee's license, but it is unlawful for anyone to stamp or seal any document with the seal after the license of the licensee named thereon has expired or has been revoked, unless the license has been renewed or reissued. [PL 2005, c. 315, §22 (AMD).]

SECTION HISTORY

RR 2005, c. 1, §15 (COR). PL 2005, c. 315, §22 (AMD).

§1356. Revocation and reissuance

The board may suspend or revoke the license of an engineer or the certificate of an engineer-intern pursuant to Title 5, section 10004. The board may refuse to issue or renew or the District Court, pursuant to Title 4, chapter 5, may revoke, suspend or refuse to renew the license of a licensed professional engineer or the certificate of an engineer-intern who is found guilty of: [PL 2005, c. 315, §23 (AMD).]

1. Fraud or deceit. The practice of any fraud or deceit in obtaining a license as professional engineer or a certificate as an engineer-intern; [PL 2005, c. 315, §23 (AMD).]

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a licensed professional engineer or as an engineer-intern; or [PL 2005, c. 315, §23 (AMD).]

3. Violations. Violating any provision of this chapter or any rule of the board. [PL 1983, c. 413, §49 (AMD).]

Any person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensed professional engineer or any engineer-intern. These complaints must

be in writing, signed by the individual making the complaint and filed with the board. [PL 2005, c. 315, §23 (AMD).]

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, 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 fee established by the board. [PL 2019, c. 375, §17 (AMD).]

SECTION HISTORY

PL 1975, c. 575, §19 (AMD). PL 1977, c. 694, §§564,565 (AMD). PL 1983, c. 413, §49 (RPR). PL 1995, c. 355, §14 (AMD). PL 1999, c. 186, §9 (AMD). PL 1999, c. 547, §B61 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2005, c. 315, §23 (AMD). PL 2019, c. 375, §17 (AMD).

§1357. Expiration and renewals

Licenses expire on the last day of December of each odd-numbered year and a licensee may not practice professional engineering with an expired license. The board shall notify every person licensed under this chapter of the date of the expiration of that person's license and the amount of the fee that is required for its renewal. The notice must be provided at least one month in advance of the date of the expiration of the license. A license may be renewed after completion of professional development requirements and after payment of a fee established by rule by the board, which may not exceed \$200 annually. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee established by rule by the board in addition to the renewal fee. 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 if the renewal application is made within 3 years from the date of the expiration the board may, giving due consideration to the protection of the public, waive any additional qualifications if the licensee has held a license for at least 10 years, has completed all professional development requirements and has never been subject to discipline in this or any other jurisdiction. [PL 2015, c. 228, §1 (AMD); PL 2015, c. 228, §2 (AFF).]

SECTION HISTORY

PL 1975, c. 535 (RPR). PL 1983, c. 413, §50 (AMD). PL 1991, c. 442, §7 (AMD). PL 1999, c. 186, §10 (AMD). PL 2005, c. 315, §24 (AMD). PL 2013, c. 296, §6 (AMD). PL 2015, c. 228, §1 (AMD). PL 2015, c. 228, §2 (AFF).

§1358. Exemptions from expiration and renewal fees

A person holding a valid license under this chapter on the date of entering employment in the Armed Forces of the Government of the United States during a period of war or employment in any wartime service outside of the continental United States, governmental or otherwise, under the United States or any of its allied nations is exempt, for the duration of that employment, from the payment of all renewal fees, and the licensee's license remains in full force until the next regular renewal date following the termination of that employment. [PL 2005, c. 315, §25 (AMD).]

SECTION HISTORY

PL 1995, c. 355, §15 (AMD). PL 2005, c. 315, §25 (AMD).

§1359. Reciprocity

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §51 (AMD). PL 1999, c. 186, §11 (RP).

§1360. Residents certified elsewhere

A person who is a resident of the State and has been certified in another state as an engineer-intern may be certified as an engineer-intern in this State upon payment of a fee established by the board and upon submission of evidence satisfactory to the board that certification as an engineer-intern in another state was under qualifications equivalent to those specified in this chapter for that certification. [PL 1995, c. 355, §16 (AMD).]

SECTION HISTORY

PL 1983, c. 413, §52 (AMD). PL 1995, c. 355, §16 (AMD).

§1361. Retired status

A licensee who has terminated practice of engineering may apply to the board for retired status. Upon receiving an application for retired status, accompanied by the fee established by the board, the board shall issue a certificate of retired status to the applicant and record the applicant's name in the roster as a retired licensee, along with the date of retired status. [PL 2005, c. 315, §26 (AMD).]

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 professional development requirements according to board rules. [PL 2019, c. 375, §18 (AMD).]

SECTION HISTORY

PL 1995, c. 355, §17 (NEW). PL 2005, c. 315, §26 (AMD). PL 2013, c. 296, §7 (AMD). PL 2019, c. 375, §18 (AMD).

§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 professional development hours within the period for which the registration or license was issued. [PL 2019, c. 375, §19 (AMD).]

2. Failure to meet requirement. The board may not renew a license of an applicant who fails to meet the professional 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 professional development requirement. [PL 2019, c. 375, §19 (AMD).]

3. Review; monitoring. The board shall review and monitor compliance with the professional development requirement under subsection 1. [PL 2019, c. 375, §19 (AMD).]

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. [PL 2005, c. 315, §27 (NEW).]

SECTION HISTORY

PL 2003, c. 94, §1 (NEW). PL 2005, c. 315, §27 (AMD). PL 2019, c. 375, §19 (AMD).

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