



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1313

S.P. 456

In Senate, April 2, 2013

### **An Act To Amend Licensing Requirements for Professional Engineers**

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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 black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

Cosponsored by Representative BECK of Waterville and

Senators: FLOOD of Kennebec, LACHOWICZ of Kennebec, Representatives: FOWLE of Vassalboro, HICKMAN of Winthrop, LONGSTAFF of Waterville.

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

2 **Sec. 1. 32 MRSA §1251**, as amended by PL 2005, c. 315, §2, is further amended  
3 to read:

4 **§1251. Definitions**

5 As used in this chapter, unless ~~a different meaning clearly appears from the context;~~  
6 otherwise indicates, the following terms have the following meanings.

7 **1. Board.** "Board" means the State Board of Licensure for Professional Engineers.

8 **1-A. Accreditation board.** "Accreditation board" means the accreditation board for  
9 engineering and technology.

10 **1-B. Engineering accreditation commission.** "Engineering accreditation  
11 commission" means the engineering accreditation commission of the accreditation board.

12 **2. Engineer-intern.** ~~The term "engineer intern"~~ "Engineer-intern" means a person  
13 who has been certified as ~~such an engineer-intern~~ an engineer-intern by the board ~~and whose name has been~~  
14 ~~entered in the register of engineer interns.~~

15 **2-A. National council.** "National council" means the National Council of  
16 Examiners for Engineering and Surveying.

17 **3. Practice of professional engineering.** ~~The term "practice~~ "Practice of  
18 professional engineering" ~~shall be held to mean~~ means any professional service, such as  
19 consultation, investigation, evaluation, planning, design or responsible supervision of  
20 construction in connection with any public or private utilities, structures, buildings,  
21 machines, equipment, processes, works or projects, wherein the public welfare or the  
22 safeguarding of life, health or property is concerned or involved, when such professional  
23 service requires the application of engineering principles and data.

24 **4. Professional engineer.** ~~The term "professional~~ "Professional engineer" means a  
25 person who, by reason of a knowledge of mathematics, the physical sciences and the  
26 principles of engineering, acquired by professional education and practical experience, is  
27 qualified to engage in engineering practice as defined.

28 **5. Technology accreditation commission.** "Technology accreditation commission"  
29 means the technology accreditation commission of the accreditation board.

30 **Sec. 2. 32 MRSA §1352-A, sub-§1**, as amended by PL 2005, c. 315, §20, is  
31 further amended to read:

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

34 A. An applicant for licensure by endorsement or comity who provides proof that the  
35 applicant is a licensed professional engineer, in good standing, in another state,  
36 territory or possession of the United States, District of Columbia or any foreign

1 country and whose qualifications meet the requirements of this chapter upon  
2 application may be licensed without further examination. To seek licensure under  
3 this paragraph, the applicant must be a graduate of an engineering curriculum  
4 approved by the engineering accreditation commission ~~of the accreditation board for~~  
5 ~~engineering and technology~~ or of an equivalent engineering curriculum and have not  
6 less than 4 years of acceptable engineering experience after graduation and have been  
7 licensed by passing ~~16 hours of written examinations~~ the national council principles  
8 and practice of engineering examination and the fundamentals of engineering  
9 examination.

10 B. A person holding a certificate of record verification issued by the ~~National~~  
11 ~~Council of Examiners for Engineering and Surveying~~ national council whose  
12 qualifications meet the requirements of this chapter upon application may be licensed  
13 without further examination.

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

26 D. An applicant who provides proof of graduation from an engineering technology  
27 curriculum approved by the technology accreditation commission ~~of the accreditation~~  
28 ~~board for engineering and technology~~ or of an equivalent engineering technology  
29 curriculum of 4 years or more; has passed ~~an 8-hour written~~ the national council  
30 examination in the fundamentals of engineering; has a record of an additional 4 years  
31 or more of progressive engineering experience, after graduation, of a grade and  
32 character that indicates to the board that the applicant may be competent to practice  
33 and has experienced increased engineering responsibilities; and has passed ~~an 8-hour~~  
34 ~~written~~ the national council examination in the principles and practice of engineering  
35 may be licensed as a professional engineer. An applicant for licensure may not sit for  
36 the principles and practice of engineering examination until the applicant has passed  
37 the fundamentals of engineering examination.

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

1 licensed as a professional engineer. An applicant for licensure may not sit for the  
2 principles and practice of engineering examination until the applicant has passed the  
3 fundamentals of engineering examination.

4 ~~G. An applicant with a record of at least 15 years of experience in engineering work,  
5 of which at least 10 years has been in responsible jobs of engineering work and of a  
6 grade and character that indicates to the board that the applicant may be competent to  
7 practice engineering, who has a license to engage in the practice of engineering on  
8 the basis of experience or a non National Council of Examiners for Engineering and  
9 Surveying examination issued by a proper authority of a state, territory or possession  
10 of the United States, the District of Columbia or any foreign country and who in the  
11 opinion of the board meets the requirements of this chapter based on verified  
12 evidence may be licensed upon application by passing an oral examination conducted  
13 by the board or by a board committee.~~

14 ~~H. An applicant with a record of less than 15 years of experience in engineering  
15 work, who has a license to engage in the practice of engineering on the basis of  
16 experience or a non National Council of Examiners of Engineering and Surveying  
17 examination issued by a proper authority of a state, territory or possession of the  
18 United States, the District of Columbia or any foreign country, may be licensed upon  
19 application by passing an 8 hour examination in the principles and practice of  
20 engineering.~~

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

24 **Sec. 3. 32 MRSA §1352-A, sub-§2**, as amended by PL 2005, c. 315, §20, is  
25 further amended to read:

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

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 ~~for~~  
31 ~~engineering and technology~~. Certification as an engineer-intern may not take place  
32 until verification of graduation is received.

33 B. An applicant who provides proof of graduation from an engineering curriculum  
34 approved by the engineering accreditation commission ~~of the accreditation board for~~  
35 ~~engineering and technology~~ or of an equivalent engineering curriculum of 4 years or  
36 more and has passed ~~an 8 hour written~~ the national council examination in the  
37 fundamentals of engineering may be certified as an engineer-intern.

38 C. An applicant who provides proof of graduation from an engineering technology  
39 curriculum approved by the technology accreditation commission ~~of the accreditation~~  
40 ~~board for engineering and technology~~ of 4 years or more and has passed ~~an 8 hour~~  
41 ~~written~~ the national council examination in the fundamentals of engineering may be  
42 certified as an engineer-intern.

1 D. An applicant who is a graduate of an engineering curriculum not approved by the  
2 accreditation board ~~for engineering and technology~~ or an allied science curriculum of  
3 4 years or more and who has submitted a transcript showing the completion of the  
4 minimum number of engineering science and design credits as required in a  
5 curriculum approved by the accreditation board ~~for engineering and technology~~ and  
6 who has passed ~~an 8-hour written~~ the national council examination in the  
7 fundamentals of engineering may be certified as an engineer-intern.

8 Certification as an engineer-intern is valid for an indefinite period.

9 **Sec. 4. 32 MRSA §1353, first ¶**, as amended by PL 2005, c. 315, §21, is further  
10 amended to read:

11 Application for licensure as a professional engineer or certification as an engineer-  
12 intern ~~is~~ must be made on a form prescribed and furnished by the board; ~~contains,~~ contain  
13 statements made under oath; showing the applicant's education and a detailed summary of  
14 the applicant's technical experience; and ~~contains~~ contain references as set forth in section  
15 1352-A, none of which may be from members of the board. An application fee ~~and an~~  
16 ~~examination fee~~ may be established by rule by the board in ~~amounts~~ an amount that ~~are~~ is  
17 reasonable and necessary for ~~their respective purposes~~ its purpose.

18 **Sec. 5. 32 MRSA §1354**, as amended by PL 1999, c. 186, §8, is further amended  
19 to read:

20 **§1354. Examinations**

21 ~~Examinations must be held at such times and places as the board determines.~~  
22 Examinations required on fundamental engineering subjects may be taken as provided in  
23 section 1352-A. The principles and practices of engineering examinations may not be  
24 taken until the applicant has completed a period of engineering experience as set forth in  
25 section 1352-A.

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

37 **Sec. 6. 32 MRSA §1357**, as amended by PL 2005, c. 315, §24, is further amended  
38 to read:

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**§1357. Expiration and renewals**

Licenses expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed. 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 for a 2-year period, except when the applicant has become licensed during the first year of the 2-year period, then the renewal fee is for the remaining one year of that 2-year period. The notice must be ~~mailed~~ provided at least one month in advance of the date of the expiration of the license. Renewal may be effected at any time after completion of continuing education requirements and after receipt of notice by the payment of a fee established by rule by the board, which may not exceed \$50 annually. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 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 the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration.

**Sec. 7. 32 MRSA §1361, 2nd ¶**, as amended by PL 2005, c. 315, §26, is further amended to read:

~~A retired licensee may retain but not use the seal and may not practice engineering. The board shall reissue a license to a retired licensee who pays all application fees, meets all current requirements for licensure renewal and demonstrates to the board's satisfaction that, for 2 years preceding the application for licensure, the A retired licensee met the requirements for maintaining professional competence established under the~~ may apply for reinstatement to active status in accordance with section 1357 and after completing continuing education requirements according to board rules.

**SUMMARY**

This bill makes the following changes to the laws governing the licensing of professional engineers.

1. It adds defined terms for various accreditation and licensing entities.
2. It removes references to the form and length of examinations.
3. It removes provisions that provide alternative methods of licensure, including licensure by oral examination.
4. It removes references to examination fees and removes the requirement that examinations be held at such times and places as the State Board of Licensure for Professional Engineers determines. It amends the laws governing the reexamination of a person who fails an examination.
5. It removes the requirement that a notice of the expiration of a license be mailed.

1           6. It changes the provisions regarding the process for a retired licensee to be  
2 reinstated to active status.