



# Maine - Laws, Rules, and Ethics for Professional Engineers

Course# ME101

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# MAINE REVISED STATUTES: TITLE 32

## PROFESSIONS AND OCCUPATIONS, CH. 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. [2013, c. 296, §1 (AMD).]

1. **Board.** "Board" means the State Board of Licensure for Professional Engineers. [ 2005, c. 315, §2 (AMD) .]
  - 1-A. Accreditation board. "Accreditation board" means the accreditation board for engineering and technology. [ 2013, c. 296, §1 (NEW) .]
  - 1-B. Engineering accreditation commission. "Engineering accreditation commission" means the engineering accreditation commission of the accreditation board. [ 2013, c. 296, §1 (NEW) .]
2. **Engineer-intern.** "Engineer-intern" means a person who has been certified as an engineer-intern by the board. [ 2013, c. 296, §1 (AMD) .]
  - 2-A. National council. "National council" means the National Council of Examiners for Engineering and Surveying. [ 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. [ 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. [ 2013, c. 296, §1 (AMD) .]

**5. Technology accreditation commission.** "Technology accreditation commission" means the technology accreditation commission of the accreditation board. [ 2013, c. 296, §1 (NEW) .]

### **§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, co-partnership, 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. [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. [ 2005, c. 315, §4 (AMD) .]

**2. Exception.** A department of this State 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. [ 2005, c. 315, §4 (AMD) .]

### **§1255. Exemptions**

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

**1. Limited practice by nonresident.** A person not a resident of and not having established a place of business in this State, practicing or offering to practice the profession of engineering when such practice does not exceed more than 30 consecutive days in any calendar year, if the person is legally qualified by licensure to practice the profession in that person's own state or country in which the requirements and qualifications for licensure are not lower than those specified in this chapter. To practice under this section, the person must apply in writing and receive authorization; [ 2005, c. 315, §5 (AMD) .]

**2. Nonresident becoming resident.** A person not a resident of and not having established a place of business in this State, or who has become a resident of this State, practicing or offering to practice in the State for more than 30 days in any calendar year the profession of engineering,

and having filed with the board an application for a license and having paid the fee required by this chapter. The exemption continues only for such time as the board requires for the consideration of the application for licensure, if the person is legally qualified to practice the profession of engineering in the state or country of residence in which the requirements and qualifications for obtaining a license are not lower than those specified in this chapter.

A person must apply in writing and receive authorization in order to practice pursuant to the provisions of this subsection; [ 2005, c. 315, §6 (AMD) .]

**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 the practice does not include responsible charge or design or supervision by the employee or subordinate; [ 2005, c. 315, §7 (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; [ 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; [ 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 [ 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; [2007, c. 379, §3 (NEW).]

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

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 construction industry design standards such as the National Fire Protection Association standards, state and municipal building and energy codes, the State Fire Marshal's requirements and ASHRAE Standard 62 and ASHRAE Standard 90.

### **§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 \$1,000 may be adjudged. [2005, c. 315, §10 (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. [2001, c. 421, Pt. B, §95 (AMD); 2001, c. 421, Pt. C, §1 (AFF).]

## **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. [2005, c. 315, §12 (AMD).]

Appointments are for 5-year terms. Appointments of members must comply with Title 10, section 8009. [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. [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. [1983, c. 812, §205 (RPR).]

### **§1304. Removal**

The Governor may remove a member of the board for cause. [1993, c. 600, Pt. A, §104 (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. [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. [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. [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. [ 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. [ 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 and failure to meet the continuing education 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 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. [ 2005, c. 315, §15 (AMD) .]

4. **Contracts.** The board may enter into contracts to carry out its responsibilities under this chapter.

### **§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. [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. [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. [2005, c. 315, §16 (AMD).]

The commissioner shall act as a liaison between the board and the Governor. [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. [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. [1993, c. 659, Pt. B, §7 (AMD).]

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

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. 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 upon request for such fees as the board may authorize in its rules. [2005, c. 315, §17 (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. [2005, c. 315, §19 (AMD).]

### **§1352. Qualifications (REPEALED)**

#### **§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. [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. [2013, c. 296, §2 (AMD).]

B. A person holding a certificate of record verification issued by the national council whose qualifications meet the requirements of this chapter upon application may be licensed without further examination. [2013, c. 296, §2 (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. [2013, c. 296, §2 (AMD).]

D. An applicant who provides proof of graduation from an engineering technology curriculum approved by the 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. [2013, c. 296, §2 (AMD).]

E. An applicant who has a baccalaureate 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. [2013, c. 296, §2 (AMD).]

F. [2005, c. 315, §20 (RP).]

G. [2013, c. 296, §2 (RP).]

H. [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. [ 2013, c. 296, §2 (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 a program approved by the accreditation board. Certification as an engineer-intern may not take place until verification of graduation is received. [2013, c. 296, §3 (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. [2013, c. 296, §3 (AMD).]

C. An applicant who provides proof of graduation from an engineering technology curriculum approved by the 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. [2013, c. 296, §3 (AMD).]

D. An applicant who is a graduate of an engineering 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 and who has passed the national council examination in the fundamentals of engineering may be certified as an engineer-intern. [2013, c. 588, Pt. A, §40 (AMD).]

E. [2005, c. 315, §20 (RP).]

Certification as an engineer-intern is valid for an indefinite period.[ 2013, c. 588, Pt. A, §40 (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. [2005, c. 315, §20 (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. [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. [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. [2005, c. 315, §21 (AMD).]

### **§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. [2013, c. 296, §5 (AMD).]

The passing grade on any examination is established by the board. 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 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. [2013, c. 296, §5 (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. [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. [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: [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; [ 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 [ 2005, c. 315, §23 (AMD) .]
3. **Violations.** Violating any provision of this chapter or any rule of the board. [ 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. [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, provided that 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 established by the board. [2005, c. 315, §23 (AMD).]

### **§1357. Expiration and renewals**

Licenses expire on the last day of December of 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. [2015, c. 228, §1 (AMD); 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. [2005, c. 315, §25 (AMD).]

### **§1359. Reciprocity (REPEALED)**

### **§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. [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. [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 continuing education requirements according to board rules. [2013, c. 296, §7 (AMD).]

### **§1362. Continuing professional education**

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 hours within the period for which the registration or license was issued. [ 2005, c. 315, §27 (AMD) .]

2. **Failure to meet requirement.** The board may not renew a license of an applicant who fails to meet the continuing professional education 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 requirement. [ 2005, c. 315, §27 (AMD) .]

3. **Review; monitoring.** The board shall review and monitor compliance with the continuing professional education requirement under subsection 1. [ 2005, c. 315, §27 (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. [ 2005, c. 315, §27 (NEW) .]

# **CODE OF MAINE RULES: CH. 2 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION, SUBCHAPTER 322 STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS**

## **Chapter 1: GENERAL PROVISIONS/OPERATION OF THE BOARD**

*SUMMARY: This chapter describes the operation of the Board, the duties of the various officers and committees of the Board and the procedures for the conduct of Board meetings.*

### **SECTION 1 - Definitions**

1. “Act” refers to Title 32, Chapter 19, Maine Revised Statutes Annotated (32 M.R.S.A. Section 1251 et seq.).
2. “Approved Engineering Curricula” means those curricula accredited by the Accreditation Board for Engineering and Technology or approved by the Board.
3. “Board” means the State Board of Licensure for Professional Engineers.
4. “Code of Ethics” means the Code of Ethics as set forth in Chapter 4 of these Rules.
5. “Licensee” means any person holding a license or certificate issued by the Board.
6. “NCEES” means the National Council of Examiners for Engineering and Surveying.
7. “PDH” means Professional Development Hour.

### **SECTION 2 - General**

1. Location: The Board office is located in Augusta, Maine.
2. Board Seal: The seal of the Board is an embossed circular seal one and seven-eighths inches in diameter consisting of two concentric circles. The outer circle is to be two and one-eighth inches in diameter, the inner circle to be one and one-quarter inches in diameter and containing the Great Seal of the State of Maine, with the words “State of Maine” above, and the words “State Board of Licensure for Professional Engineers” below.
3. Fiscal Year: The fiscal year of the Board ends on June 30.

4. Meetings: A minimum of two regular meetings are held each year.
5. Procedure: Robert's RULES OF ORDER governs the procedure of the Board, except as otherwise provided by the Act, other statute, or the Rules.
6. Officers and Committees: The Board annually elects or appoints a Chair and a Vice-Chair from its membership.
7. National Council: The Board is a member of the National Council of Examiners for Engineering and Surveying.

### **SECTION 3 - Duties**

1. The Chair: The Chair, when present, presides at all meetings and appoints all committees. The Chair performs all duties pertaining to the office of Chair and signs all official documents.
2. The Vice-Chair: In the absence or incapacity of the Chair, the Vice-Chair exercises the duties and powers of the Chair.
3. Vacancies: If for any reason a vacancy occurs in the office of Chair or Vice-Chair, the office is filled by an election of the Board members either at a regular meeting or a special meeting called for that purpose. Any officers so elected must receive at least 4 affirmative votes.
4. Executive Committee: The Executive Committee consists of 3 members, one of which is the Chair of the Board, who also chairs the Executive Committee. The Executive Committee transacts all business during the interval between meetings and makes a report to the Board at its next meeting.
5. Finance Committee: The Finance Committee consists of 2 members. The Finance Committee reviews all bills, accounts, income and expenses, including the financial records of the Executive Director, and reports to the Board at each regular meeting.
6. Rules Committee: The Rules Committee consists of 2 members. The Rules Committee considers and recommends to the Board modifications of the Act and the Rules governing professional engineering.
7. Examination Committee: The Examination Committee consists of all members of the Board. The Examination Committee coordinates with the National Council of Examiners for Engineering and Surveying in the administration of national examinations.
8. Information Committee: The Information Committee consists of 3 members. The Information Committee makes recommendations for publication of the policy, purpose and principles of the Board.
9. Complaint Committee: The Complaint Committee consists of 3 members: the Complaint Officer (who is a Board Member), the Executive Director, and the Assistant Attorney General assigned to the Board. The Complaint Committee investigates, presents, and advises the Board as to disposition of all complaints.
10. Continuing Education Committee: The Continuing Education Committee conducts audits of the PDHs claimed by Licensees and makes recommendations for changes to the professional development program.

## SECTION 4 - Staffing

1. The Executive Director: The Board may appoint an Executive Director.
  - A. The Executive Director maintains all correspondence and records on behalf of the Board.
  - B. The Executive Director keeps a record of all meetings and maintains a proper account of all funds of the Board.
  - C. The Executive Director maintains a roster of all licensed Professional Engineers.
  - D. The Executive Director prepares an agenda for each meeting. Meetings will be noticed pursuant to the requirements set forth in 5 M.R.S.A. Section 8053.
  - E. The Executive Director completes such other tasks as assigned by the Board

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

**EFFECTIVE DATE:**

June 30, 1978 – filing 78-11 under the title “By-Laws”

**AMENDED:**

December 16, 1990  
November 22, 1983 - Section 1(G)  
February 10, 1988  
October 1, 1990  
March 11, 1996

**EFFECTIVE DATE (ELECTRONIC CONVERSION):**

October 2, 1996

**AMENDED:**

October 9, 2000 - filing 2000-440 under the title “Rules of State Board of Professional Engineers – Organization and Administration”  
May 25, 2004 - filing 2004-161  
July 8, 2006 – filing 2006-299

**REPEALED AND REPLACED:**

September 9, 2014 – filing 2014-214 under the title “General Provisions / Operation of the Board”

**REPOSTED:**

September 23, 2014 as a separate chapter

## Chapter 2: LICENSURE

*SUMMARY: This chapter contains provisions relating to licensure requirements and exemptions for Professional Engineers and Engineer-Interns.*

### SECTION 1: Licensure

1. Any person desiring to practice professional engineering in the State of Maine must apply for licensure on forms furnished by the Board. The forms may be obtained from the Board's website or by contacting the Board office.
2. The Act makes no specific designations as to the professional engineering discipline for which licensure is granted; however, Licensees are required to practice within their area of competence.
3. In administering the Act and formulating its procedures, the Board recognizes the following fundamental obligations:
  - A. To protect the public from such dangers affecting life, health, and property as may arise from the actions of incompetent or unethical persons practicing professional engineering; and
  - B. To regulate compliance with the Act and the Rules by licensed Professional Engineers and certified Engineer-Interns.

### SECTION 2: Classes of Licensure or Certification

1. Professional Engineer: An applicant for licensure as a Professional Engineer must fulfill the requirements of one of the following statutory classes of licensure:
  - A. By endorsement or comity, without further examination. Applicants must provide documentation that they meet the requirements of 32 M.R.S.A. Section 1352 A(1)(A) or (1)(B); or
  - B. By Graduation, Experience and Examination. Applicants must provide documentation that they meet the requirements of 32 M.R.S.A. Section 1352-A(1)(C), (1)(D) or (1)(E). Graduate-level education may be counted toward the required experience as follows:
    - (1) A master's degree in engineering from an approved curriculum may be counted as 1 year of experience; or
    - (2) A doctorate degree or combination of a doctorate degree and master's degree in engineering from an approved curriculum may be counted as 2 years of experience.
2. Professional Engineer Temporary: Applicants for a Temporary Professional Engineer License must apply pursuant to 32 M.R.S.A. Section 1255(1) and (2). The applicant may not perform any professional engineering in the State of Maine until he or she is in actual possession of the Temporary Professional Engineer License.
3. Professional Engineer Retired: Licensees who meet the requirements of 32 M.R.S.A. Section 1361 may apply for Retired Status by paying the appropriate fee.

4. Engineer-Intern: An applicant for certification as an Engineer-Intern must fulfill the requirements of 32 M.R.S.A. Section 1352-A (2)(B), (2)(C) or (2)(D).

### **SECTION 3: Application and Licensure**

1. The Executive Director or staff reviews all applications for conformity with the Act and the Rules. Only complete applications will be considered by the Board for licensure.
2. An application not accompanied by proper fees will be returned to the applicant. An application not conforming to the Act or the Rules will be returned to the applicant with instructions for correction.
3. An applicant meeting all other qualifications but lacking the full number of reference letters may be allowed to sit for the examination pending receipt of the appropriate references. In no case will final licensure be granted by the Board until all licensure requirements are satisfied.
4. The Board will issue a professional engineering license to each successful applicant. Each license is numbered and contains the authorized signatures of the Chair of the Board and the Executive Director.
5. A duplicate license will be issued upon payment of the appropriate fee, unless the fee is waived for cause by the Board.

### **SECTION 4: Examinations**

1. Examinations are required of all applicants who do not qualify for licensure by endorsement or comity.
2. The requisite examinations are national examinations prepared, administered and scored by NCEES.
3. Examinations are held at locations and on dates established by NCEES.
4. As soon as practicable, the Board notifies the candidate of the results and may permit the release of scores to candidates electronically.
5. A candidate failing an examination may be reexamined in accordance with 32 M.R.S.A. Section 1354.

### **SECTION 5: References**

Each applicant for licensure as a Professional Engineer must submit the names and addresses of at least 5 persons, 3 of whom are licensed Professional Engineers, who can verify all or part of the information submitted.

## **SECTION 6: Rejection**

Any individual whose application is rejected will be notified in writing. The written notice will advise the applicant of the reasons for rejection and the right to appeal pursuant to 5 M.R.S.A. Section 10003. The applicant may also submit additional evidence for consideration by the Board.

## **SECTION 7: Licensure Obligations**

1. Licensees doing business with the public as a Professional Engineer must post the license in a location that is accessible to the public.
2. Licensees shall notify the Board of any change of address within 10 business days.
3. Licensees shall notify the Board of any criminal conviction within 30 days of final adjudication.
4. Licensees shall notify the Board of any discipline in any other jurisdiction within 30 days of final action.

## **SECTION 8: Expiration, Renewal and Reinstatement of Licenses**

1. All professional engineering licenses expire on December 31 of each odd-numbered year.
2. The Executive Director of the Board notifies each Licensee of the expiration date of the license and the fee required for its renewal. The notice is provided at least 30 days in advance of the date of expiration.
3. A Licensee may reinstate an inactive license within 3 years by meeting the requirements of the Act and by obtaining all delinquent PDHs and paying the appropriate fee. If the total number of PDHs required to become current exceeds 30 PDHs, then 30 PDHs shall be the maximum required.

## **SECTION 9: Application of the Professional Engineer Seal**

1. Each Licensee is authorized to obtain a seal of the size and design prescribed by the Board. The seal may be an embossed seal, a rubber stamp or an electronically generated image.
2. Each Licensee is responsible for the proper use of the Licensee's seal.
3. The Licensee's signature and the date must accompany the seal. Effective signature may be an electronic signature as defined by 10 M.R.S.A. Section 9402.
4. Sealed documents may be transmitted electronically.
5. A seal shall be applied, signed and dated, including hardcopy or electronic versions, in the following cases:
  - A. On all professional engineering plans, specifications, reports, or calculations prepared by or under the direction of the responsible licensed Professional Engineer;

- B. On all professional engineering plans, specifications, reports or calculations formally filed or offered for filing with any public body or agency; and
  - C. On all professional engineering plans, specifications, reports or calculations formally submitted to contractors for bids or estimates, or when released for construction.
6. A seal need not be applied in the following cases:
- A. On any professional engineering plans, specifications, reports or calculations which are prepared and clearly identified as “PRELIMINARY,” “PROGRESS,” or the like;
  - B. On individual specification sections which are part of an integrated document assembled and sealed by another licensed engineer or licensed architect;
  - C. On electronic files (such as CAD files) submitted as a deliverable to a client, IF the Licensee affixes a statement specifying the original date of issue and sealing, such as the following: “This document was originally issued and sealed by (Licensee Name, PE License #), on (Date of original sealing)”;
  - D. On administrative correspondence.
7. Any licensed Professional Engineer may apply a seal on any plans, specifications, reports or calculations, provided such documents are prepared or reviewed personally by or under the supervision of that licensed Professional Engineer. By affixing his or her seal to any professional engineering document the licensed Professional Engineer takes full legal responsibility for it, regardless of whether the Professional Engineer receives any compensation.
8. Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed and sealed by the licensed professional responsible for preparation of that design segment.
9. Where plans, specifications, reports or calculations are bound together, the application of the seal on the first sheet or page is considered sufficient if the intent is to cover the entire document, otherwise the first sheet must also include a statement of the number of sheets covered by each Licensee’s seal.
10. Any revision to a document containing the seal and signature of a Licensee shall be described and dated. If revisions are not done by original Licensee, the revisions must also be signed and sealed by the Licensee in responsible charge of those revisions.
11. Licensees holding a Temporary License shall stamp all plans, specifications, reports or calculations with the seal of their home jurisdiction and write beneath that seal the Maine Temporary License number, along with their signature and the date.

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

June 30, 1978 – filing 78-11 under the title “Registration of Professional Engineers”

AMENDED:

November 22, 1983 – Sec. 7(D)

February 10, 1988



April 30, 1990  
October 1, 1990  
October 9, 1991  
March 11, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

October 2, 1996

AMENDED:

October 9, 2000

NON-SUBSTANTIVE CORRECTIONS:

November 7, 2000

AMENDED:

March 12, 2003 - filing 2003-66

NON-SUBSTANTIVE CORRECTION:

March 24, 2003 - Section 11(3)

AMENDED:

May 25, 2004 - filing 2004-162  
July 8, 2006 – filing 2006-300

REPEALED AND REPLACED:

September 9, 2014 – filing 2014-215 under the title “Licensure”

REPOSTED:

September 23, 2014 as a separate chapter

MINOR CORRECTIONS:

April 14, 2015 – Section headings

## Chapter 3: PROFESSIONAL DEVELOPMENT HOURS

*SUMMARY: This chapter contains provisions relating to mandatory professional development hours.*

### SECTION 1: Professional Development Hours (PDH)

1. Each Licensee shall obtain at least 30 PDHs during the biennial license period, as a condition of licensure renewal. If the Licensee exceeds the requirement in any license period, a maximum of 15 PDHs may be carried forward into the next license period.
2. In order to qualify for licensure renewal credit, PDHs shall be relevant to the practice of professional engineering, and may include technical, ethical or managerial subject matter.
3. PDHs shall be credited as follows:
  - A. Successful completion of a 1 semester-hour course that is part of an approved professional engineering curriculum will be awarded 45 PDHs.
  - B. Successful completion of a quarter-hour course that is part of an approved professional engineering curriculum will be awarded 30 PDHs.
  - C. Qualifying college or continuing education courses that are not part of an approved professional engineering curriculum will be awarded 1 PDH for each contact hour.
  - D. Course work, seminars, or professional technical presentations made at meetings, conventions, or conferences will be awarded 1 PDH for each hour of attendance.
  - E. Teaching credit will be awarded to the instructor at a ratio of 2:1 to those PDHs that are awarded to participants. For the purpose of this rule, teaching includes instruction or making technical presentations at qualifying courses, seminars or meetings. Teaching credit will be awarded for teaching a course or seminar for the first time only and shall not apply to full-time faculty.
  - F. Each professional journal, published paper, article or engineering text published within the applicable license period will earn 10 PDHs.
  - G. Each year of active participation as an officer or committee member within a professional or technical society will earn 1 PDH. PDHs shall not be earned until each year of service is completed and shall be limited to 2 PDHs per organization per renewal. This limit does not apply to PDHs obtained through instruction or attendance at technical presentations by such an organization.
  - H. Filing a patent application will earn 10 PDHs.
  - I. Active participation as a pro bono committee member involved in the development, revision or update of standards, specifications, technical instructions or codes that are intended for the use or guidance of Professional Engineers or for the protection of public health and safety will be awarded up to 15 PDHs per 2-year licensure period.
  - J. The number of PDHs required to renew a license that was first issued within the two-year licensure period will be pro-rated by the number of months the license has been in effect.

4. Record Keeping: The Licensee shall be responsible for maintaining records to be used to support PDHs claimed. Required records include:

- A. A signed, completed Activity Log, available from the Board or downloadable from its website, showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDHs earned; and
- B. Documents supporting evidence of attendance.
- C. Records must be maintained for a period of 3 years. Such documentation shall be made available to the Board for random audit and/or verification purposes. Documentation must support the PDHs claimed.

5. Non-resident Licensees: All Professional Engineers licensed in this state must meet the PDH requirements, regardless of residency.

6. Exemptions: Licensees may ask for a partial or total exemption from PDH requirements by writing to the Board. Requests should explain the reason for the exemption, and should include military orders or other documentation sufficient to support the exemption. If the Licensee is requesting a partial exemption, the Licensee should include a completed PDH log and documentation supporting any PDHs completed. Exemptions may be granted for:

- A. Employment in the Armed Forces of the United States per 32 M.R.S.A. §1358; or
- B. An extenuating situation, hardship or disability per 32 M.R.S.A. §1362(4).

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

June 30, 1978

AMENDED:

October 1, 1990

March 11, 1996 - filing 96-81 under the title "Rules of Practice"

EFFECTIVE DATE (ELECTRONIC CONVERSION):

October 2, 1996

AMENDED:

May 25, 2004 - filing 2004-163

June 8, 2006 – filing 2006-301

REPEALED AND REPLACED:

September 9, 2014 – filing 2014-216 under the title "Professional Development Hours"

REPOSTED:

September 23, 2014 as a separate chapter

## Chapter 4: CODE OF ETHICS

*SUMMARY: This chapter contains the Code of Ethics for Professional Engineers licensed in Maine.*

### SECTION 1: Preamble

1. To comply with the purpose of the Act, which is "to safeguard life, health and property," and to maintain a high standard of integrity and practice, the Board adopts the following Code of Ethics.
2. The Code of Ethics shall be binding on every person holding a license to offer or perform professional engineering services in Maine. To the extent applicable, it shall also be binding on every person who holds a certificate as an Engineer-Intern in Maine. Persons holding a license, certificate or temporary license to practice professional engineering are referred to hereinafter collectively as "Licensees."
3. Licensees are required to be familiar with the Act and Rules of the Board and the Code of Ethics. In addition, each Licensee is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of practice.
4. All Licensees shall practice professional engineering only in the areas of their competence according to current standards.

### SECTION 2: Obligation to Society

1. In the performance of their services for clients, employers and customers, Licensees shall be cognizant that their first and foremost responsibility is to the public welfare.
2. Licensees shall approve and seal only those design documents that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public.
3. Licensees shall notify their employers or clients and any such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.
4. Licensees shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant pertinent information in such reports, statements or testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not permit the use of their name by, nor associate in business ventures with, any person or firm engaged in fraudulent or dishonest business or professional practices.

8. Licensees having knowledge of any possible violations of the Act, the Rules, or the Code of Ethics shall notify the Board and provide all information and assistance necessary in order for the Board to render a final disposition of the matter.

9. Licensees shall follow a program of professional development to maintain their competence.

### **SECTION 3: Obligation to Employer and Clients**

1. Licensees shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by these rules.

2. Prior to engaging in any professional services, Licensees shall fully disclose to any employer or client any potential conflicts of interest which may influence or appear to influence their judgment or the quality of their service to any employer or client.

3. Licensees shall undertake assignments only when qualified by education or experience to perform the professional engineering involved.

4. Licensees shall not reveal confidential, proprietary, or otherwise protected information obtained in a professional capacity without the prior consent of the clients or employers, except as authorized or required by law.

5. Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents or other parties in connection with their work for other employers or clients.

6. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

7. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, Licensees who are principals or employees of a private concern and serve as members, advisors, or employees of a governmental body shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

### **SECTION 4: Obligation to Other Licensees**

1. Licensees shall not compete unfairly with others.

2. Licensees shall not falsify or permit misrepresentation of their or their associates' academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments or the complexity of said assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures and past accomplishments.

3. Licensees shall not offer, give, solicit, receive, either directly or indirectly, any commission, gift or other valuable consideration in order to secure work and shall not make any political contribution with the intent to influence the award of a contract by public authority.

4. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of other Licensees nor indiscriminately criticize other Licensees' work.

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

September 9, 2014 – filing 2014-217

REPOSTED:

September 23, 2014 as a separate chapter

## **Chapter 5: APPLICATION AND LICENSURE FEES**

*SUMMARY: This chapter contains provisions relating to fees.*

### **SECTION 1: Application and Licensure Fees:**

The schedule of fees is as follows:

1. The application fee for Engineer-Intern certification is \$10.00.
2. The application fee for Professional Engineer licensure is \$25.00.
3. The licensure fee for Professional Engineers is \$80 per 2-year licensure (\$40 per year).
4. The fee for renewal of licensure is \$80.00 per 2-year licensure renewal.
5. The fee for renewal of retired status is \$10.00 per 2-year retired status renewal.
6. The late fee for renewal applications received after the expiration date and before March 31 of the even-numbered year is \$10.00.
7. The late fee for renewal applications received after March 31 of the even-numbered year is \$25.00.
8. The fee for a Temporary License is \$100.00.
9. The fee for a replacement Engineer-Intern Certificate is \$15.00
10. The fee for a replacement Professional Engineer License is \$15.00.

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

September 9, 2014 – filing 2014-218

REPOSTED:

September 23, 2014 as a separate chapter

## Chapter 6: ADVISORY RULINGS

*SUMMARY: This chapter contains provisions relating to the issuance of advisory rulings by the Board.*

### SECTION 1: Advisory Rulings

1. Authority and Scope: The Board may issue advisory rulings pursuant to 5 MRSA, Section 9001, concerning the applicability of any statute or rule it administers to an existing factual situation. Advisory rulings will be issued at the Board's discretion and only upon request. Each request will be individually reviewed to determine whether an advisory ruling is appropriate. The Board may decline to issue an advisory ruling if the question is hypothetical, if there is insufficient experience upon which to base a ruling, or for any other reason the Board deems proper.
2. Submission: Requests for advisory rulings must be in writing and must set forth in detail all facts pertinent to the question. The Board may require additional information to complete a factual background for its ruling.
3. Consideration: The Board will acknowledge all requests for advisory rulings within 60 days.
  - A. The acknowledgement will state whether a ruling will be given.
  - B. Alternatively, the acknowledgement may request additional information to determine whether an advisory ruling is appropriate.
  - C. All advisory rulings must be in writing and include a statement of the facts or assumptions or both upon which the rulings are based. The statement must be sufficiently detailed to allow understanding of the basis of the opinion without reference to other documents. Advisory rulings are signed by the chief officer of the Board and numbered in an appropriate serial manner.
4. Disposition: Each completed advisory ruling will be mailed to the requesting party and a copy will be kept by the Board. All completed advisory rulings are public documents and available for public inspection during the Board's normal working hours. In addition, the Board may publish or circulate any advisory ruling as it deems appropriate.

STATUTORY AUTHORITY: 32 M.R.S.A. Section 1306(2)

EFFECTIVE DATE:

September 9, 2014 – filing 2014-219

REPOSTED:

September 23, 2014 as a separate

# CODE OF ETHICS

## Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

## II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
  - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
  - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.



- 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
  - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
- 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
  - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
  - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
- 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
  - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
  - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
4. Engineers shall act for each employer or client as faithful agents or trustees.

- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
  - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
  - 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
  - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
  - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
  - 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

### III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
  - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
  - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
  - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
  - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
  - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
  - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
  - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
  - 4) Engineers are encouraged to adhere to the principles of sustainable development, in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
  - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
  - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.

- 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
  - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
  - 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
  - 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
  - 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
  - 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
  - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
  - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers

who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.

2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

1) Engineers shall conform with state registration laws in the practice of engineering.

2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.

9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.

1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.

3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.

4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the

engineer for use of the information for any purpose other than the original purpose.

5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

# REFERENCES

**Maine State Board of Licensure for Professional Engineers: Links to Maine Laws and Rules**

[http://www.maine.gov/professionalengineers/laws\\_rules/index.html](http://www.maine.gov/professionalengineers/laws_rules/index.html)

**Maine Revised Statutes: Title 32 Professions and Occupations, Ch. 19. Engineers, (§1252 to §1362)**

<http://www.mainelegislature.org/legis/statutes/32/title32ch19sec0.html>

**Code of Maine Rules: Ch. 2 Department of Professional and Financial Regulation, Subchapter 322 State Board of Licensure for Professional Engineers, (Ch01 – Ch06)**

<http://www.maine.gov/sos/cec/rules/02/chaps02.htm>

**National Society of Professional Engineers, Code of Ethics**

<http://www.nspe.org/resources/ethics/code-ethics>