



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS



Janet T. Mills
Governor

Joan F. Cohen
Commissioner

Public Board Meeting
Tuesday, February 25, 2025, at 9:00 A.M.
AGENDA

Location: 76 Northern Ave Gardiner, ME 04345

Contact: Heidi Lincoln (207) 624-8522, Heidi.Lincoln@maine.gov

Room: Central Conference Room

I. CALL TO ORDER

II. AGENDA MODIFICATIONS

III. MINUTES REVIEW AND APPROVAL

Review and Approval of December 17, 2024, Minutes

IV. ELECTION OF OFFICERS

V. TRAVEL REQUEST

2025 NCEES Northeast Zone Interim Meeting April 10-12 in Cambridge, Massachusetts

VI. COMPLAINTS

2024-LSU-20337

2024-LSU-20410

2024-LSU-20411

2024-LSU-20435

2024-LSU-20476

VII. ADMINISTRATOR'S REPORT

- Land Surveyor Requirements sent to Maine Municipal Association
- Potential NC Professional Land Surveyor Applicant
- Rule Review:
 - Chapters 50: Qualifications For Licensure as a Professional Land Surveyor
 - Chapter 50-A: Licensure by Endorsement
 - Chapter 60: Licensure by Comity
 - Chapter 90: Standards of Practice
 - Potential to vote to initiate APA Rulemaking and put rules out for comment.

Office Location: 76 Northern Avenue, Gardiner, Maine 04345
Mailing Address: 35 State House Station, Augusta, Maine 04333

<https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-professional-land-surveyors>

Email: Heidi.Lincoln@maine.gov

VIII. PUBLIC COMMENT

Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board, except for any open application or complaint. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.

VII. MEETING SCHEDULE

Next meeting scheduled for April 22, 2025.

VIII. ADJOURNMENT

BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS
MINUTES
December 17, 2024

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|--------------------------------------|--|
| MEMBERS PRESENT: | STAFF PRESENT: |
| Shep Sheppard, Vice-Chairman | Catherine Pendergast, Administrator |
| Michaeline Mulvey, Complaint Officer | Samantha Andrews, Assistant Attorney General |
| Bruce Martinson | Jazmyne Marks, Licensing Supervisor |
| | Heidi Lincoln, Office Specialist I |
| | Shara Chesley, Office Specialist I |
| MEMBERS ABSENT: | |
| Jay Raitt | |

I. CALL TO ORDER

The meeting was called to order at 9:01 a.m. by Vice-Chairman Sheppard.

II. AGENDA MODIFICATIONS

Sheppard requested to add a discussion of the complaint process. A motion was made by Mulvey and seconded by Martinson. Unanimous

III. MINUTES REVIEW AND APPROVAL

A motion was made by Mulvey and seconded by Martinson to approve the minutes as written. Mulvey and Sheppard voted in the affirmative. Martinson abstained. Motion Carried.

IV. COMPLAINT PRESENTATIONS

2024-LSU-20316 – A motion was made by Martinson and seconded by Sheppard to dismiss with a Letter of Guidance. Sheppard and Martinson voted in the affirmative. Mulvey abstained. Motion Carried.

2024-LSU-20334 – A motion was made by Sheppard and seconded by Martinson to dismiss the complaint due to insufficient evidence of a violation. Sheppard and Martinson voted in the affirmative. Mulvey abstained. Motion Carried.

2024-LSU-20335 – A motion was made by Martinson and seconded by Sheppard to dismiss with a letter of guidance. Sheppard and Martinson voted in the affirmative. Mulvey abstained. Motion carried.

2024-LSU-20337 – Sheppard recused resulting in lack of quorum. Complaint will be presented at the next meeting.

V. RULE REVIEW

The Administrator provided proposed changes to Board Rules. A motion was made by Sheppard and seconded by Martinson to table the discussion until all Board members are present. Unanimous

VI. ADMINISTRATOR’S REPORT

The Board discussed the number of complaints dismissed for lack of a violation and the complaint process in general. Suggestions were made to possibly streamline the process including requesting a summary or chain of title in lieu of a workfile.

VII. PUBLIC COMMENT

None.

VIII. MEETING SCHEDULE

The next regular Board meeting is currently scheduled for February 25, 2025.

IX. ADJOURNMENT

Being no further business, a motion was made by Mulvey and seconded by Martinson to adjourn the meeting at 10:19 a.m. Unanimous.

DRAFT



Office of Professional & Occupational Regulation

Board of Professional Land Surveyors
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MEMORANDUM

To: Board Members
From: Catherine Pendergast, Board Administrator
Date: February 19, 2025
Subject: Rule Review

The following is provided for continued discussion of revisions to the Board of Licensure for Professional Land Surveyors Rules.

Chapter 50: QUALIFICATION FOR LICENSURE AS PROFESSIONAL LAND SURVEYOR AND USE OF SEALS

SUMMARY: This Chapter sets forth the qualifications and application process that govern applicants for licensure as a professional land surveyor and the use, content and size of the seal required for a professional land surveyor. The conditions for licensure by endorsement are set forth in Chapter 50-A, and the conditions for licensure by comity of a professional land surveyor are set forth in Chapter 60.

§SECTION 1. QUALIFICATIONS FOR LICENSURE

To be eligible for licensure as a professional land surveyor, the applicant must:

1. 1. Submit an application on forms approved by the Board and submit the fee set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation.
2. Hold a valid Maine license as a land surveyor-in-training or ~~be qualified for issuance of a Land Surveyor in training pursuant to Chapter 60, section 1~~ hold a license from another jurisdiction with qualifications similar to those required for a land surveyor-in training under 32 M.R.S. § 18223 and Board rules ~~an equivalent license from another jurisdiction;~~ and
 2. Demonstrate twenty-four (24) months of full-time (licensed?)-experience ~~as a Maine land surveyor in training~~ under the supervision of a professional land surveyor. An applicant's experience must include significant responsibility in all of the areas described in paragraph A below. Experience may include teaching as described in paragraph B.
 - A. Research, field work, computations, data analysis, plan development, drafting or written descriptions, reports and correspondence.
 - B. Teaching topics in elementary or advanced surveying or the application of surveying to real property, in a curriculum acceptable to the Board may not exceed 50% of the 24 months; and
3. Have ~~P~~successfully passed ~~an~~the required examinations as set forth in Section 5 ~~in the principles and practice of land surveying.~~

§2. SUBMISSION OF EXAMINATION APPLICATION

The applicant shall submit a completed application on forms furnished by the Board, together with:

~~1. The examination fee.~~

~~2. A separate Verification of Employment form for each employer listed on the application. The applicant shall send the form to the employer for confirmation and transmittal to the Board.~~

§SECTION 3. PRELIMINARY REVIEW OF APPLICATION (REPEALED)

§SECTION 4. NOTICE TO APPLICANTS OF ELIGIBILITY TO TAKE EXAMINATION (REPEALED)

§SECTION 5. EXAMINATIONS

The applicant shall successfully pass all parts of examinations in the principles and practice of land surveying, as summarized below.

1. **Description of Examination National Examination**

~~The applicant shall successfully pass all parts of an examination in the principles and practice of land surveying, as summarized below.~~

~~A. An applicant for licensure as a professional land surveyor must pass the A national examination prepared and scored by the National Council of Examiners for Engineering and Surveying (NCEES). This examination tests competence in the professional aspects of land surveying.~~

~~B. The national NCEES examination is administered several times a year electronically by a third party vendor. Applicants must register online directly with NCEES for the national examination.~~

~~C. The minimum passing score for the national NCEES examination is set by NCEES. If an applicant fails the national NCEES examination, they must follow the NCEES requirements to register and re-take the examination.~~

~~B. A Maine specific examination testing surveying topics with a focus on Maine practice.~~

2. **Minimum Passing Score Maine Specific Multiple Choice Examination**

~~A. An applicant for licensure as a professional land surveyor must pass the Maine Specific Multiple Choice (MSMC) examination testing surveying topics with a focus on Maine practice.~~

~~B. The MSMC is administered by the Board at least two times a year. To sit for the MSMC, the applicant shall:~~

(i) Submit a completed application on forms furnished by the Board, together with the examination fee as set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation; and.

(ii) Provide verification of their land surveyor-in-training license or an equivalent license from another jurisdiction.

C. The minimum passing score for the ~~Maine specific-MSMC~~ examination is established by the Board 70%. If an applicant fails the MSMC examination, they must submit a new exam application and the required fee. There is no limitation on the number of times an applicant may re-take the exam.

3. Notice of Examination Results to Applicants

The Board shall notify the applicant of the applicant's score, and that:

A. The applicant passed the examination and will be issued a professional land surveyor license upon receipt of the license fee; or

B. The applicant did not pass the examination. The notice shall identify the part(s) that the applicant did not pass, and shall inform the applicant that re-examination on the failed part(s) may be scheduled by submitting a written request for re-examination, together with the re-examination fee specified in Chapter 80 of these rules.

§SECTION 6. SEALS FOR PROFESSIONAL LAND SURVEYORS

A professional land surveyor shall (a) sign and (b) seal and/or emboss every final document, including but not limited to plans, descriptions, reports, maps, plats and other drawings, with a circular seal having an outside diameter of not less than 1½ inches. The seal shall plainly set forth the following information:

1. The professional land surveyor's full name.
2. The professional land surveyor's license number.
3. The words "State of Maine" and "Professional Land Surveyor."

STATUTORY AUTHORITY:

32 M.R.S. §18212

EFFECTIVE DATE:

April 1, 2001 (Chapters 1-6 repealed)

AMENDED:

September 19, 2018 – filing 2018-192

Chapter 50-A: LICENSURE BY ENDORSEMENT

Summary: This chapter describes the pathway for Maine licensure for applicants with an active surveyor license in another jurisdiction of the United States that maintains licensing requirements that are substantially equivalent to Maine’s requirements, so long as the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license and no cause for denial exists under 10 M.R.S. § 8003(5-A)(A) or under any other law.

SECTION 1. License from Another United States Jurisdiction

An applicant must:

1. Demonstrate proof of an active land surveyor license issued by another jurisdiction of the United States that maintains substantially equivalent license requirements for the type of license sought;
2. Submit a completed application form; and
3. Submit any fee required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

SECTION 2. Substantially Equivalent License Requirements

“Substantially equivalent license requirements” means that the applicant’s current licensing jurisdiction maintains a pathway for initial licensure that at a minimum requires the experience and examination as set forth in this Section 2.

1. For a Land Surveyor.

- A. Documented Proof of: Twenty-four (24) months of full-time experience under the supervision of a licensed land surveyor; and
- B. Proof of a passing score on an examination in the principles and practices of land surveying prepared and scored by the National Council of Examiners for Engineering and Surveying or a successor organization.

~~1.—A Maine specific examination testing surveying topics with a focus on Maine practice.~~

SECTION 3. Jurisprudence Examination

All applicants seeking licensure by endorsement pursuant to this Chapter must pass a Maine-specific examination testing surveying topics with a focus on Maine practice as set forth in Chapter 50 Section 5(1)(B).

SECTION 4. Proof of Good Standing in All Jurisdictions

An applicant must be in good standing in all jurisdictions in which the applicant holds or has held a license. For purposes of this subsection “good standing” means that the applicant does not have a complaint, allegation or investigation pending, does not have a license that is suspended or subject to practice restrictions and has never surrendered a license or had a license revoked.

STATUTORY AUTHORITY: [Reference?](#) 10 M.R.S. § 8003-H

EFFECTIVE DATE:

~~02~~ ————— ~~DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~

~~360~~ ————— ~~BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS~~

~~Chapter 60:~~ — ~~LICENSURE BY COMITY~~

~~SUMMARY:~~ This Chapter sets forth the conditions under which a licensee from another jurisdiction may be licensed as a land surveyor in training or professional land surveyor in Maine.

~~1.~~ — ~~LICENSURE AS LAND SURVEYOR IN TRAINING~~

~~An applicant who holds A license, in good standing, as a Land Surveyor in Training, or its equivalent, issued by the applicant's resident jurisdiction qualify for licensure by passing the an examination on the fundamentals of land surveying as described in Chapter 40, section 4, provided that the applicant shall be credited with any passing score previously earned on this examination.~~

~~§2.~~ — ~~LICENSURE AS PROFESSIONAL LAND SURVEYOR~~

~~An applicant who holds a license, in good standing, as a Professional Land Surveyor issued by the applicant's resident jurisdiction qualify for licensure by passing the an examination in the principles and practice of land surveying and a Maine specific examination as described in Chapter 50, section 5, provided that the applicant shall be credited with any passing score previously earned on the examination prepared and scored by the National Council of Examiners for Engineering and Surveying.~~

~~§3.~~ — ~~SUBMISSION, PROCESSING AND DISPOSITION OF APPLICATION;
PAYMENT OF FEES~~

~~The provisions of Chapters 40 and 50 generally shall apply to applicants for licensure by comity.~~

~~STATUTORY AUTHORITY:~~

~~32 M.R.S. §18212~~

~~EFFECTIVE DATE:~~

~~April 1, 2001 (Chapters 1-6 repealed)~~

~~AMENDED:~~

~~September 19, 2018 — filing 2018-193~~

SUMMARY: This Chapter sets forth the standards of practice for licensees; Part 1 establishes professional standards and Part 2 establishes technical standards.

PART 1. PROFESSIONAL STANDARDS

SECTION §1. THE LICENSEE'S RESPONSIBILITY TO SOCIETY

A licensee shall:

1. Inform the licensee's employer, client or such other authority as may be appropriate when the licensee's professional judgment is overruled in judicial proceedings.
2. Prepare reports and testimony and make statements that are truthful and based upon independent professional judgment.
3. Express professional opinions only when founded upon a thorough knowledge of the facts and a careful evaluation of the subject;
4. Issue no criticisms or arguments on technical matters that are inspired or paid for by interested parties, unless the licensee explicitly identifies the interested parties on whose behalf the licensee is speaking, and reveals any interest such parties have in the matters.
5. Prohibit use of the licensee's own or firm names by, and business associations with, any person or firm which the licensee knows or should know is engaging in fraudulent or dishonest business or professional practices.

§SECTION 2. THE LICENSEE'S OBLIGATIONS TO EMPLOYERS AND CLIENTS

1. A licensee shall undertake assignments only when qualified by education or experience in the specific technical fields of surveying involved.
2. A licensee shall not sign or seal any plans or documents dealing with subject matter in which the licensee lacks competence, or any plan or document not prepared under the licensee's direct control and personal supervision. A licensee may, however, sign and seal one or more aspects of an overall project, provided that the aspect for which the licensee assumes responsibility is clearly stated on the plan or document.

3. A licensee shall not reveal information which has been designated as confidential by the client or employer without the prior informed written consent of the client or employer, except as authorized or required by law.
4. A licensee shall make full written disclosures to the licensee's employer or client of potential conflicts of interest or other circumstances which could influence or appear to influence the licensee's judgment or the quality of the licensee's service. Disclosure shall be promptly made once the licensee learns or by the exercise of reasonable diligence should have learned of the conflict of interest or other circumstances.
5. A licensee shall not accept compensation, financial or otherwise, simultaneously from more than one party for the same services, unless the circumstances are fully disclosed in writing to all interested parties.
6. A licensee serving as a member, advisor, or employee of a governmental body shall not participate in decisions by the governmental body with respect to professional services offered or provided by the licensee or any person or firm associated with the licensee to the governmental body.

PART 2. TECHNICAL STANDARDS

§SECTION 1. APPLICABILITY

The standards established by this chapter shall apply to services by a licensee when that licensee is setting monuments or making marks in the field intending to depict the location of title or easement boundaries; or when the licensee's work product is used as a basis for description that may be recorded, or could be used to identify boundaries or to locate improvements with respect to boundaries.

§SECTION 2. EXCEPTION

The licensee and client may agree, in writing, to except any of the technical standards established by Part 2 of this chapter, other than the written confirmation required by Part 2, section 3 below. The nature and extent of any such exceptions must be noted on the face of the plan or other work product.

SECTION §3. WRITTEN CONFIRMATION TO CLIENTS

1. Timing

Before beginning any professional services the licensee shall affirm in a written confirmation to the client that all services will be performed in accordance with the standards established by this chapter, unless excepted in accordance with Part 2, section 2 above. Any exceptions from the technical standards made in accordance with Part 2, section 2 above must be noted in the written confirmation.

2. Content

The written confirmation must set forth with reasonable certainty the scope of the licensee's duty, fee or fee basis, and time periods to complete the agreed upon services.

3. **Delivery**

The licensee shall provide a copy of the written confirmation, signed by the licensee or the licensee's authorized representative, to the client before commencing the professional services.

4. **Modifications**

Any modifications of the written confirmation shall be in writing and must comply with subsections 1, 2 and 3 herein.

§SECTION 4. RESEARCH

1. **Public Records.** The licensee shall search the public records in sufficient scope and depth such that the ordinarily prudent licensee would be expected to identify, at a minimum, the following:
 - A. Conflicting boundary locations affecting the property.
 - B. Gaps or overlaps between the property boundaries and the boundaries of adjoining properties.
 - C. Scrivener's errors.
 - D. The location of the boundaries of the property.
 - E. Easements or restrictions burdening or benefiting the property.
2. **Private Records.** The licensee shall identify, locate, and review private records that are made known to the licensee and would be useful in:
 - A. Locating the boundaries of the property.
 - B. Disclosing a conflict regarding the boundaries of the property.
 - C. Locating easements or restrictions on the property.

§SECTION 5. MONUMENTS

1. Placement

The licensee shall ensure that sufficient monuments are present upon completion of the surveying services so that the location of the boundaries are apparent and obvious or may be reasonably recovered or found by the client.

2. Recovery, Longevity, Detection and Identification

The licensee shall ensure that any monument set by the licensee, is located in such a manner and is of sufficient size, composition, and material that:

- A. The likelihood of disturbance is minimal.
- B. The life expectancy of the monument, under normal circumstances, will exceed 25 years.
- C. The monument is capable of being detected with standard devices commonly in use by licensees; and,
- D. The licensee who set the monument can be identified with certainty by inspection of the monument in the field.

§SECTION 6. REPORTING

1. General Duty

The licensee shall provide to the client a written report or plan that is consistent with the written confirmation and can be supported by facts, evidence, and information that are consistent with professional practice and are ordinarily relied upon by licensees.

2. Boundary Report Duty

When the services involve identification and location of boundaries, the written report or plan shall include, at a minimum:

- A. Relevant records and possession boundaries and possible locations of ownership boundaries.
- B. Encumbrances that are visible or identified by records research as described in Part 2, section 4 above.
- C. Any other matter a licensee should reasonably expect to be relevant to a client's current needs or is necessary given the circumstances of the situation at the time of the survey and is within the scope of professional practice.

3. **Completeness**

The licensee shall ensure that the plan or written report or both would permit another licensee, without additional research, to:

- A. Accurately retrace each boundary in the field.
- B. Recognize each monument cited and whether it was set by the licensee or not.
- C. Know the names of the property owners and of the adjoining property owners and their source of title or basis for their claim at the time of the survey (if reasonably ascertainable).
- D. Identify the location of the property with certainty.
- E. Know the meaning of all symbols or abbreviations used.
- F. Identify the name of the licensee who took responsible charge of the services rendered.
- G. Contact the licensee or firm that performed the services (if still in existence).
- H. Identify the reference basis for all directions.
- I. Identify the relative relationships between the length of graphic lines (if used) to lines similarly situated in the field, even if the document has been reduced or enlarged at a later time.
- J. Expect the information shown in the document to be in a form or basis that complies with professional practice at the time of the survey.
- K. Expect the precision of the measurements reported to have a reasonable correlation to the precision and procedures used to obtain the measurements.
- L. Determine what exceptions have been taken in accordance with Part 2, section 2 above.

4. **Archival Information**

The licensee shall retain or take reasonable steps to ensure access to archival information of the professional services including, but not limited to, written confirmations, deeds...until the licensee's license expires and is not renewed within 90 days after expiration in such a form that another licensee (provided that access by such licensee is appropriate), with typical equipment and technology, would be able to view the documents and information; identify the relevant facts, evidence, and information; and recreate the analysis and comprehend the results reached. Records may be maintained in electronic format, meaning stored using technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

§SECTION 7. EQUIPMENT**1. Maintenance, Checking and Calibration**

The licensee shall maintain, check and calibrate equipment to ensure that the equipment is giving results compatible with its intended use and achieving the precision that is required, or is reasonably expected by the client.

2. Retracement of Another's Work

When retracing an earlier survey, a licensee shall consider the capabilities of the equipment used to obtain original measurements insofar as that information is known or should be reasonably known to the licensee and may affect the re-establishment of any corner or boundary.

3. Monumenting

When monumenting or marking boundaries, the licensee shall use equipment that will give reliable precision.

§SECTION 8. FIELD TECHNIQUES**1. Investigation**

The licensee shall investigate the site using customary care and procedures to discover and identify the boundary evidence at the site and incorporate that evidence into the boundary location analysis.

2. Measurements

The licensee shall perform all measurements required for boundary determination with sufficient redundancy so that blunders will be detected.

STATUTORY AUTHORITY:

32 M.R.S. §18212

EFFECTIVE DATE:

April 1, 2001 (Chapters 1-6 repealed)

AMENDED:

September 19, 2018 – filing 2018-195