

Notice of Agency Rulemaking Proposal

AGENCY: 02-360, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure for Professional Land Surveyors.

CHAPTER NUMBER AND TITLE:

Repeal and Replace:

Chapter 50: Qualifications For Licensure as a Professional Land Surveyor

Chapter 90: Standards of Practice

Repeal:

Chapter 60: Licensure by Comity

New:

Chapter 80: Licensure by Endorsement

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

This rulemaking proposes to amend the board's rules to clarify the examination process and expand pathways to licensure by (1) removing the requirement that an applicant for a professional land surveyor must gain experience as a Maine licensed land surveyor-in-training and (2) implementing a pathway for licensure by endorsement.

Copies of the rulemaking packet may be found on the Board's website,

<https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-professional-land-surveyors>, scroll down to What's New and Rulemaking Changes.

Date, time and location of PUBLIC HEARING (*if any*): N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to the contact person for this filing.

COMMENT DEADLINE: October 24, 2025 by 5:00 p.m. EST. Comments may be submitted to Catherine Pendergast by mail to 35 State House Station, Augusta, ME, 04333-0035, or by e-mail to Catherine.Pendergast@maine.gov.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY: Maine relay 711, Catherine.Pendergast@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*):

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §18212 and 10 M.R.S. § 8003-H

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Penny.Vaillancourt@maine.gov

** Check one of the following two boxes.*

☐ *The summary provided above is for publication in both the newspaper and website notices.*

☐ *The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.*

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC

Notice of Agency Rulemaking Proposal

Additional Information for the Web *(if any)*

DETAILED SUMMARY:

Rulemaking Fact Sheet

(5 MRSA §8057-A)

AGENCY: 02-360, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure for Professional Land Surveyors.

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:
Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY:
Maine relay 711, Catherine.Pendergast@maine.gov

CHAPTER NUMBER AND RULE TITLE:

Repeal and Replace:

Chapter 50: Qualifications For Licensure as a Professional Land Surveyor

Chapter 90: Standards of Practice

Repeal:

Chapter 60: Licensure by Comity

New:

Chapter 80: Licensure by Endorsement

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

STATUTORY AUTHORITY: 32 M.R.S. §18212 and 10 M.R.S. § 8003-H

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A

COMMENT DEADLINE: October 24, 2025

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

Statement of Fact:

The rulemaking proposes to repeal and replace two chapters to update the board's rules and amend the pathways to licensure, including implementation of a pathway for licensure by endorsement. It also proposes to appeal Chapter 60 and add Chapter 80 to create a pathway to licensure via endorsement.

Chapter 50, Qualifications for Licensure as a Professional Land Surveyor. The proposed changes remove the requirement that an applicant for a professional land surveyor license demonstrate 24 months of experience *as a Maine land surveyor-in-training* to allow experience gained in another jurisdiction. The examination process is also clarified.

Chapter 90, Standards of Practice

The proposed changes address maintaining records in an electronic format and general formatting issues.

Chapter 60, Licensure by Comity

The proposed change is to repeal the entire chapter as it would not be necessary with the addition of licensure by endorsement.

Chapter 80: Licensure by Endorsement

The principal reason for this proposed rulemaking is to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES ___X___NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

It is anticipated that these rules will expand the pathway to licensure as a professional land surveyor by (1) removing the requirement that experience be gained while licensed as a Maine land surveyor-in-training and (2) establish a new pathway to licensure in Maine for individuals licensed as land surveyors in other U.S. jurisdictions.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]
Expertise of board members and staff.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

**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 80. 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. 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; and
2. Demonstrate twenty-four (24) months of full-time experience ~~as a Maine land surveyor-in-training~~ under the supervision of a professional licensed land surveyor in Maine or another jurisdiction. 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. Credit for teaching may not exceed 50% of the 24 months; and
3. Pass ~~an~~ 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 2. SUBMISSION OF EXAMINATION APPLICATION (REPEALED)

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 an examination 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 a national examination prepared and scored by the National Council of Examiners for Engineering and Surveying (NCEES) or its successor organization. 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 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: 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 80.,

SECTION 1. QUALIFICATIONS FOR LICENSURE

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

1. Hold a valid Maine license as a land surveyor-in-training or 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; and
2. Demonstrate twenty-four (24) months of full-time experience under the supervision of a licensed surveyor in Maine or another jurisdiction. 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. Credit for teaching may not exceed 50% of the 24 months; and
3. Pass the required examinations as set forth in Section 5.

SECTION 2. SUBMISSION OF EXAM APPLICATION (*REPEALED*)

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. National Examination

- A. An applicant for licensure as a professional land surveyor must pass a national examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES) or its successor organization. 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.

2. 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 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 MSMC examination is 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.

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."
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STATUTORY AUTHORITY:

32 M.R.S. §18212

EFFECTIVE DATE:

April 1, 2001 (Chapters 1-6 repealed)

AMENDED:

September 19, 2018 – filing 2018-192

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 shall qualify for licensure by passing the examination 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 shall qualify for licensure by passing the examination 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

Chapter 80: 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.

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(2).

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: 32 M.R.S. § 18227-A and 10 M.R.S. § 8003-H

EFFECTIVE DATE:

Chapter 80: 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.

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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(2).

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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: 32 M.R.S. § 18227-A and 10 M.R.S. § 8003-H

EFFECTIVE DATE:

Chapter 90: STANDARDS OF PRACTICE

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.

SECTION4. 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 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

Chapter 90: STANDARDS OF PRACTICE

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 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