

## Using Professional Engineer Credentials

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From time to time, the Maine State Board of Licensure for Professional Engineers (Board) receives queries or must provide an opinion on the use of the term engineering or the title of professional engineer, P.E., or similar title. The use of the title 'Professional Engineer' or similar designation such as 'P.E.' is governed by statute. Two sections of the engineering statute give particular insight into the use of professional engineering credentials.

The Maine engineering statute states in part:

"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." 32 M.R.S. § 1351

Maine statute defines the practice of professional engineering in part to be:

"Practice of professional engineering" means any professional service . . . 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." 32 M.R.S. § 1251(3)

The following scenarios give insight into how the State Board of Licensure would apply the Maine engineering statute:

**I have a B.S. in mechanical engineering. I am not a licensed engineer. Can I have business cards printed with my name and 'Mechanical Engineer' after my name?** No. A business card, according to its name, is a card handed out to individuals to promote business. Under 32 M.R.S. § 1351, *"it is unlawful ... to ... advertise any title ... tending to convey the impression that the person is a professional engineer, unless that person has been duly licensed or exempted under this chapter."* To use the title as described, you would need to be licensed as a Professional Engineer in the State of Maine. An individual could use the title, 'Engineer Intern' or 'E.I.' if the individual holds a current certification as an Engineer Intern in Maine.

Of paramount concern to the Board is whether the card and the title would imply to the public or be inferred by the public that you are able and willing to offer or provide mechanical engineering services. The inference caused by an inappropriate use of an engineering title would be mitigated if your card instead read, "B.S. in Mechanical Engineering." The latter would suggest an academic accomplishment, while the former implies a professional licensure that you hold. Regardless of the title and inferences, unless you are licensed, or fall under one of the statutory exemptions, you cannot practice professional engineering as defined in 32 M.R.S. 1251(3).

**I have a B.S. in civil engineering. I am not a licensed engineer. The engineering consulting firm that I work for has provided me with a business card that I give to prospective clients and members of the public containing the firm's name, address, and telephone number along with my name that also states 'Civil Engineer.' Does this business card violate the statute?**

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Yes. This card would tend to "... advertise [a] title ... convey[ing] the impression that the person is a professional engineer...." (See 32 M.R.S. § 1351) or able to "practice professional engineering....," in this case civil engineering services. (See 32 M.R.S. §1251(3)) The Board is concerned that the public may be harmed by being misled into believing the person with this title is able, willing, and can offer or practice professional engineering as defined by statute.

**I am a licensed engineer in Vermont. I am not licensed as an engineer in Maine. I have business cards showing my name, Vermont address, telephone number, and e-mail address. After my name I have "P.E." While attending an engineering conference in Maine, I gave my business card to engineers I met while attending the conference. Is this a violation of Maine statutes?** No. The address shown on the card is for a professional engineer who resides or does business in the state of Vermont. The reasonable and ordinary presumption is that all engineering services are offered and provided at the address shown on the business card. The purpose for the card and intent in giving the card to other engineers is not to "practice or to offer to practice the profession of engineering in the State [of Maine]...." See 32 M.R.S. § 1351. Furthermore, 32 M.R.S. § 1255 does allow for temporary licensure for limited engineering practice for up to 30 days by an engineer licensed in another state. (However, the individual must apply and receive authorization before offering or providing engineering services in Maine.)

**I am a licensed engineer in Kansas. I am not licensed as an engineer in Maine. May I use the P.E. designation or say that I am a professional engineer in correspondence that I send to a Maine individual, agency, or firm?** Yes. See the previous answer for business cards. It would only be a violation of Maine statutes if the correspondence could be construed as the offer of or practice of engineering in Maine. A common example of this situation is correspondence received by the Board where a person using the P.E. designation after their name is seeking information on coming in order to become a professional engineer in Maine.

**My company is a multi-state engineering consulting firm. We maintain a web site that lists the location of our home office in Pennsylvania. However, we provide engineering services in many states. There is at least one engineer in our firm that is licensed in the state we provide engineering services – including Maine. I am the vice-president of the firm and licensed as an engineer in three states but not Maine. If the web page lists my name followed by 'P.E.' does this mislead the public so that I am in violation of Maine statutes?** No, unless you expressly or impliedly suggest on the web site that you are licensed in Maine or you will personally perform the engineering services that the company performs in Maine. Prudence would suggest that your company bio be on the web site and expressly mention those states that you are licensed as an engineer. Best practice for Professional Engineers and firms with multi-jurisdictional practice is to list the states of licensure for each Professional Engineer, so that they do not mislead the public.

**I have retired from engineering practice. I was licensed as a professional engineer for 28 years. I did not renew my engineering license. May I state 'PE, retired' after my name on correspondence?** No. 'Retired' status and the title is reserved for those individuals who have qualified,

## Using PE Credentials (cont.)

complied with, and applied for retired status under 32 M.R.S. § 1361.

**My company job description lists me as an Engineer Intern. I have not taken and passed the fundamentals of engineering exam yet. Is this in violation of the statute?** Yes. Under 32 M.R.S. 1351(2), the designation or title of "Engineer Intern" is expressly reserved for *"a person who has been certified as an engineer-intern by the board."*

**I am a graduate of an engineering program. I have applied for and been hired by a non-profit agency to oversee their engineering projects, including construction projects. My job title in the agency is "Chief Engineer." Do I have to be a licensed engineer?** That would depend. This is a two-part answer. The first part refers to the term or title chief 'engineer.' The term or title 'engineer' is not a protected word under the statute. ('Professional Engineer' is a protected title.) It is not necessarily a violation of the statute to use the term 'engineer' in the title for a non-licensed engineer. A violation of the statute would depend on the context in which the term is used. If it is used as an internal designation, there is no violation of the statute. However if the term is used in a context or promotion suggesting to the public that the person or entity is able to offer or practice professional engineering services, it is prohibited. 32 M.R.S. § 1351 states the use of 'engineer' or similar term in connection with the person's name is improper if the title or term is used: *"... to convey the impression that the person is a professional engineer. . . ."* The second part to the answer must focus on the duties that are entailed by the 'chief engineer' within the organization. If these duties involve the practice of professional engineering as defined by 32 M.R.S. § 1251(3), the person holding the position must be a licensed engineer.

**A local HVAC contractor has a truck with a sign that states, 'Mechanical and Heating Engineering Services.' Must the contractor be a professional engineer?** The contractor must either be a professional engineer or have a licensed engineer as an employee. The fact that the sign says 'engineering services' would imply that the contractor offers and applies engineering principles and advertises that fact to the public. 32 M.R.S. § 1251(3) requires an engineering licensure during the: *"Practice of professional engineering ... [involving] consultation ... in connection with any public ... works or projects ... [requiring] the application of engineering principles...."*

**I passed the fundamentals of engineering (FE) exam, can I use the designation Engineer Intern (E.I.)?** No. You have completed a necessary step in being certified as an Engineer Intern. In order to use the title of E.I. or Engineer Intern, you must apply for and receive certification from the Maine State Board of Licensure for Professional Engineers.

**I am an engineer intern (E.I.) certified by the engineering board in another state but working for a company in Maine. Can I use the term E.I. after my name while working for the Maine firm?** No. While the Maine State Board of Licensure for Professional Engineers (Board) has never prosecuted anyone for this situation, legally, the title 'Engineer Intern' is reserved for individuals certified by the Board. Certification costs \$10 for an individual that applies and meets the requirements of an Engineer Intern as set forth in 32 M.R.S. § 1352-A(2). You do not need to be certified as a Maine E.I. in order to apply for initial licensure as a Professional Engineer in Maine. You may be an E.I. or E.I.T. in another state when you apply.

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## **AUDIT Letters Are Being Mailed Soon!**

Some of you will receive a letter from the Board in the near future informing you that you have been randomly selected for an audit of your compliance with the professional development requirements.

You are required to respond to that audit request within 30 days of receipt by submitting a completed and signed copy of the PDH Activity Log (found on the website) as well as documentation sufficient to provide evidence that you did in fact complete the claimed professional development training.

Documentation may include certificates of attendance or completion, receipts for payment, official transcripts, copies of sign-in sheets, letters from the course provider indicating your attendance, or other indicia that you have completed the coursework. If you have questions about the merits of your documentation, please contact the board office.

Once your submissions are reviewed and approved, you will be notified by mail that the audit is complete. If you fail to respond to the audit request or are unable to provide full documentation supporting your PDH audit, your license may be subject to board discipline. Grounds for discipline can include, but are not limited to: failure to timely respond to the audit request, failure to complete the required professional development hours, or failure to maintain the required records. Please don't ignore your audit letter!