

CHAPTER 73

GEOLOGISTS AND SOIL SCIENTISTS

SUBCHAPTER 1

GENERAL PROVISIONS

§4901. Title

This chapter may be cited as the "Geologists and Soil Scientists Licensing Act." [PL 2019, c. 285, §4 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 2019, c. 285, §4 (AMD).

§4902. Definitions

As used in this chapter, unless a different meaning clearly appears from the context, the following words have the following meanings. [PL 2019, c. 285, §5 (AMD).]

1. Board. "Board" means the State Board of Licensure for Geologists and Soil Scientists. [PL 2019, c. 285, §5 (AMD).]

1-A. Approved. "Approved" means approved by the board. [PL 2007, c. 402, Pt. S, §1 (NEW).]

2. Licensed geologist. "Licensed geologist" means a person entitled under this chapter to take and use the title "licensed geologist." [PL 2019, c. 285, §5 (AMD).]

3. Licensed soil scientist. "Licensed soil scientist" means a person entitled under this chapter to take and use the title "licensed soil scientist." [PL 2019, c. 285, §5 (AMD).]

4. Geologist. "Geologist" means a person engaged in the practice of geology. [PL 1973, c. 558, §1 (NEW).]

5. Geology. "Geology" means the science that treats of the earth as a whole; the investigation of its composition, its size, shape and relationships between consolidated and unconsolidated rock units in the regolith and bedrock; and the applied aspects of utilizing knowledge of the earth and its constituents; including its consolidated and unconsolidated rock units, its minerals, liquids, gases and other materials for the benefit of humankind. [PL 2019, c. 285, §5 (AMD).]

6. Pedology. [PL 2019, c. 285, §5 (RP).]

7. Practice of geology. "Practice of geology" means the performance of geological work or service for the public, including, but not limited to, consultation, investigation, surveys, evaluation, planning, mapping or inspection of geological work, wherein the performance is related to the public welfare or the safeguarding of life, health, property and the environment. [PL 1983, c. 816, Pt. A, §36 (AMD).]

8. Practice of soil science. "Practice of soil science" means any professional service that requires the application of soil science principles and data. "Practice of soil science" includes identification and

mapping of soils according to the standards of the National Cooperative Soil Survey, consultation or evaluation.

[PL 2019, c. 285, §5 (AMD).]

9. Qualified soil scientist. "Qualified soil scientist" means a person who possesses the qualifications required for licensure as described in section 4909, subsection 2-B but is not licensed under this chapter.

[PL 2019, c. 285, §5 (AMD).]

10. Qualified geologist. "Qualified geologist" means a person who possesses the qualifications required for licensure as described in section 4909, subsection 2 but is not licensed under this chapter.

[PL 2019, c. 285, §5 (AMD).]

11. Responsible charge of work. "Responsible charge of work" means the independent control and direction by the use of initiative, skill and independent judgment of work or the supervision of such work.

[PL 1973, c. 558, §1 (NEW).]

12. Subordinate. "Subordinate" means any person who assists a licensed geologist or soil scientist without assuming the responsible charge of work.

[PL 2019, c. 285, §5 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1983, c. 816, §A36 (AMD). PL 2007, c. 402, Pt. S, §1 (AMD). PL 2019, c. 285, §5 (AMD).

§4903. Effect of law

1. Licensure required. No person may practice or offer to practice geology or soil science in the State without a current license issued under this chapter, unless specifically exempted from the license requirement by this chapter.

[PL 2007, c. 402, Pt. S, §2 (AMD).]

2. Effect. This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.

[PL 1981, c. 501, §70 (NEW).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1981, c. 501, §70 (RPR). PL 2007, c. 402, Pt. S, §2 (AMD).

§4904. Corporations, partnerships, associations and government agencies

This chapter does not prohibit one or more geologists or soil scientists from practicing through the medium of a sole proprietorship, partnership, corporation or government agency. In such partnership or corporation whose primary activity consists of geological services, or in a government agency in which geological work is done, at least one partner, officer or employee must be a licensed geologist. In such partnership or corporation whose primary activity consists of soil science services, or in a government agency in which soil science work is done, at least one partner, officer or employee must be a licensed soil scientist. In the case of an agency of State Government, the Department of Administrative and Financial Services, Bureau of Human Resources shall classify officers and employees under the Civil Service Law in a manner that ensures that at least one licensed geologist or soil scientist works for each agency in which, as the case may be, geological or soil science work is done and that any officer or employee who is engaged in the practice of geology or soil science and who is not licensed works as a subordinate to a licensed geologist or soil scientist, as the case may be, and does not have responsible charge of work or evaluation. [PL 2019, c. 285, §6 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1979, c. 89, §1 (RPR). PL 1985, c. 785, §B142 (AMD). PL 2019, c. 285, §6 (AMD).

§4905. Application

(REPEALED)

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1981, c. 501, §71 (RP).

§4906. Exemptions

The following persons are exempt from the license requirement imposed by this chapter: [PL 2007, c. 402, Pt. S, §3 (AMD).]

1. Nonresident practicing less than 30 days. A person not a resident of and having no established place of business in this State, practicing or offering to practice in the profession of geologist or soil scientist when that practice does not exceed in the aggregate more than 30 days in any calendar year, as long as that the person is licensed to practice the profession in the person's own state or country in which the requirements and qualifications for obtaining a license are equivalent to those specified in this chapter;

[PL 2019, c. 285, §7 (AMD).]

2. Nonresident becoming resident or persons practicing more than 30 days. A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice for more than 30 days in any calendar year in the profession of geologist or soil scientist, as long as the person submitted an application for licensure and has paid the fee required by this chapter. The exemption continues only for such time as the board requires for the consideration of the licensure application, as long as the person is legally qualified to practice that profession in the person's own state or country in which the requirements and qualifications for obtaining a license are equivalent to those specified in this chapter;

[PL 2019, c. 285, §7 (AMD).]

3. Certain employees. An employee, associate or subordinate of a person holding a license issued by the board or an employee of a person exempt from licensure by subsections 1 and 2 as long as the work of all such employees, associates or subordinates does not include responsible charge of work or evaluation; and

[PL 2019, c. 285, §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 geologist or soil scientist for the government.

[PL 1981, c. 501, §74 (AMD).]

5. Subsurface sewage disposal.

[PL 1981, c. 501, §75 (RP).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §§6,7 (AMD). PL 1979, c. 89, §2 (AMD). PL 1981, c. 501, §§72-75 (AMD). PL 1983, c. 413, §172 (AMD). PL 2007, c. 402, Pt. S, §3 (AMD). PL 2019, c. 285, §7 (AMD).

§4906-A. Subsurface wastewater disposal

Persons who have been licensed pursuant to Title 22, section 42, subsection 3-A to evaluate soil for subsurface wastewater disposal are exempt from the license requirement if their soil evaluation work relates solely to subsurface wastewater disposal systems. [PL 2019, c. 285, §8 (AMD).]

SECTION HISTORY

PL 1981, c. 501, §76 (NEW). PL 1985, c. 748, §42 (AMD). PL 2007, c. 402, Pt. S, §4 (AMD). PL 2019, c. 285, §8 (AMD).

§4907. Board

The State Board of Licensure for Geologists and Soil Scientists as established by Title 5, section 12004-A, subsection 19 shall administer this chapter. The board consists of 7 members, 5 of whom are appointed by the Governor from the following categories: One academic geologist; one independent consultant or salaried geologist; one independent consultant or salaried soil scientist; one other soil scientist; and a public member as defined in Title 5, section 12004-A. The 4 geologist and soil scientist members appointed by the Governor must be licensed under this chapter. The 6th and 7th members are the State Soil Scientist employed in State Government, ex officio, and the State Geologist or the State Geologist's designee, who must be a geologist employed in State Government, ex officio. No person, except the public member, is eligible for appointment to the board unless licensed under this chapter. [PL 2019, c. 285, §9 (AMD).]

1. Qualifications. Each member of the board must have been a resident of this State for at least 5 years immediately preceding the appointment.
[PL 2007, c. 402, Pt. S, §5 (AMD).]

2. Term. Appointments are for 5-year terms. Appointments of members must comply with Title 10, section 8009. A board member may be removed for cause by the Governor.
[PL 2007, c. 402, Pt. S, §5 (AMD).]

3. Compensation.
[PL 1995, c. 397, §65 (RP).]

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. 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.
[PL 2013, c. 246, Pt. B, §14 (AMD).]

5. Hearings.
[PL 2007, c. 402, Pt. S, §5 (RP).]

6. Contracts.
[PL 1995, c. 397, §66 (RP).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §§8-10 (AMD). PL 1975, c. 771, §§370,371 (AMD). PL 1977, c. 78, §§188,189 (AMD). PL 1979, c. 300, §§1,2 (AMD). PL 1983, c. 413, §§173-177 (AMD). PL 1983, c. 553, §46 (AMD). PL 1983, c. 812, §§243,244 (AMD). PL 1987, c. 395, §A175 (AMD). PL 1989, c. 503, §B145 (AMD). PL 1993, c. 600, §A252 (AMD). PL 1995, c. 397, §§65,66 (AMD). PL 2007, c. 402, Pt. S, §5 (AMD). PL 2013, c. 246, Pt. B, §14 (AMD). PL 2019, c. 285, §9 (AMD).

§4908. Powers and duties

The board may adopt, amend or repeal rules and regulations, pursuant to Title 5, chapter 375, subchapter II, to carry out this chapter, including, but not limited to, rules and regulations relating to professional conduct in accordance with the policy of this chapter. [PL 1979, c. 300, §3 (RPR).]

1. Register.
[PL 2007, c. 402, Pt. S, §6 (RP).]

2. Reports.
[PL 2007, c. 402, Pt. S, §7 (RP).]

3. Employees.

[PL 1995, c. 397, §69 (RP).]

4. Liaison. The board shall establish relations with bodies that regulate the practice of geology and the practice of soil science, or closely related disciplines, or that certify or license geologists or soil scientists in other states, and may establish relations with such bodies in other countries for the purposes of achieving uniformly high professional standards and mutual recognition of certification and licensure.

[PL 2019, c. 285, §10 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §§10-A,11 (AMD). PL 1977, c. 694, §645 (AMD). PL 1979, c. 300, §3 (RPR). PL 1979, c. 663, §211 (AMD). PL 1983, c. 553, §46 (AMD). PL 1985, c. 785, §B143 (AMD). PL 1987, c. 395, §§A176,A177 (AMD). PL 1995, c. 397, §§67-69 (AMD). PL 1995, c. 502, §H48 (AMD). PL 2007, c. 402, Pt. S, §§6, 7 (AMD). PL 2019, c. 285, §10 (AMD).

§4909. Qualifications**1.**

[PL 2007, c. 402, Pt. S, §8 (RP).]

1-A. Application. An applicant for licensure as a geologist or soil scientist shall file an application and pay the application fee as set under section 4912. An applicant for licensure as a geologist or soil scientist must be trustworthy and competent.

[PL 2007, c. 402, Pt. S, §8 (NEW).]

2. Geologist examination requirements. To qualify to sit for the geologist licensure examination, an applicant must:

A. Be a graduate of an accredited college or university with a major in geological sciences, or have completed 30 credits in geological sciences at an accredited college or university, or have at least 7 years of professional geological work that includes either a minimum of 3 years of professional geological work under the supervision of a qualified or licensed geologist or a minimum of 5 years of responsible charge of geological work; [PL 2019, c. 285, §11 (AMD).]

B. Have acquired 7 years of experience in responsible charge of geological work, toward which an undergraduate degree with 30 credit hours or more in geological science courses counts as 2 years of training and each year of graduate study in the geological sciences counts as 1/2 year of training, up to a maximum of 2 years of credit; and [PL 2007, c. 402, Pt. S, §8 (AMD).]

C. Receive credit toward the experience requirement subject to the evaluation of the board. Applicants with less than 30 credit hours in geological science courses may be given proportional work-experience credits for such academic credit hours as they may have acquired. [PL 1975, c. 760, §12 (NEW).]

An applicant under this subsection may take a national fundamentals of geology examination and a Maine local knowledge examination approved in rules adopted by the board in the final year of an accredited 4-year or graduate-level program, as long as the applicant has completed the minimum 30 credits in geological sciences required in this subsection.

An applicant under this subsection may take a national practice of geology examination approved in rules adopted by the board upon completion of the work experience requirement in this subsection.

[PL 2019, c. 285, §11 (AMD).]

2-A. Soil scientist examination requirements.

[PL 2019, c. 285, §11 (RP).]

2-B. Soil scientist examination requirements. To qualify to sit for the examinations for licensure as a soil scientist, an applicant must meet the requirements in paragraph A or B.

A. An applicant must have:

- (1) A minimum 4-year baccalaureate or higher degree from an accredited college or university in soils, plants, engineering, geology, biology, forestry or other natural resources science;
- (2) Completed a minimum of 15 credit hours of soil or soil-related courses. Soil-related courses may amount to no more than 20% of the required 15 credit hours for a maximum of 3 credit hours; and
- (3) Completed 3 or more documented years of post-baccalaureate degree work in soil professional work of a grade and character that indicates that the applicant may be competent to practice as a soil scientist.
 - (a) An applicant who teaches soil science courses at a college or university offering a 4-year degree in soil science may receive credit toward the required work experience under this subparagraph.
 - (b) Work experience obtained while an applicant is enrolled in courses does not count toward the 3-year work experience requirement under this subparagraph, but summer soil-related employment counts toward that requirement.
 - (c) Each graduate degree obtained in a soil or soil-related field in addition to the required 4-year baccalaureate degree counts as one year of work experience. [PL 2019, c. 285, §11 (NEW).]

B. An applicant must have:

- (1) Completed an associate degree from an accredited 2-year college in soils, plants, engineering, geology, biology, forestry or other natural resources science;
- (2) Completed a minimum of 15 credit hours of soil or soil-related courses. Soil-related courses may amount to no more than 20% of the required 15 credit hours for a maximum of 3 credit hours; and
- (3) Completed 5 or more documented years of post-associate degree work in soil professional work of a grade and character that indicates that the applicant may be competent to practice as a soil scientist. [PL 2019, c. 285, §11 (NEW).]

An applicant under this subsection may take a national fundamentals of soil science examination approved in rules adopted by the board in the final year prior to or after graduation from an accredited 2-year program or in the final year of an accredited 4-year or graduate-level program, as long as the applicant has completed the minimum 15 credit hours required in this subsection.

An applicant under this subsection may take a national soil science professional practice examination and Maine soil science professional practice examination approved in rules adopted by the board upon completion of the work experience requirement in this subsection.

[PL 2019, c. 285, §11 (NEW).]

3. Examination. Examinations approved by the board must test the applicant's knowledge of geology or soil science and the applicant's ability to apply that knowledge and to assume responsible charge in the professional practice of geology or soil science.

[PL 2019, c. 285, §11 (AMD).]

4. License from another jurisdiction. The board, in its discretion and upon payment of the application and license fees established pursuant to section 4912, may issue a license as a geologist or soil scientist without written examination to any person who is licensed as a geologist or soil scientist

in any jurisdiction having equivalent licensure requirements, if the applicant satisfies all other requirements of this chapter.

[PL 2021, c. 642, §24 (AMD).]

An applicant must pass the examinations required by the board. An applicant failing an examination may retake the examination upon filing a new examination application and paying the required examination fee. [PL 2019, c. 285, §11 (AMD).]

Any applicant who has passed the examination or has otherwise qualified as a geologist or soil scientist upon receipt of a completed license application and payment of a license fee as set under section 4912 may be issued a license as a geologist or soil scientist as appropriate. [PL 2019, c. 285, §11 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1973, c. 788, §162 (AMD). PL 1975, c. 760, §§12,13 (AMD). PL 1977, c. 694, §646 (AMD). PL 1981, c. 501, §77 (AMD). PL 1983, c. 413, §§178-181 (AMD). PL 1999, c. 386, §P1 (AMD). PL 2007, c. 402, Pt. S, §8 (AMD). PL 2019, c. 285, §11 (AMD). PL 2021, c. 642, §24 (AMD).

§4909-A. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §25 (NEW).]

SECTION HISTORY

PL 2021, c. 642, §25 (NEW).

§4910. Expiration

(REPEALED)

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §14 (AMD). PL 1979, c. 300, §4 (RP).

§4911. Expiration and renewal

Licenses expire on December 31st or at such other times as the Commissioner of Professional and Financial Regulation may designate and become invalid on that date unless renewed. [PL 2007, c. 402, Pt. S, §9 (AMD).]

A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 4912. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is received, together with the late fee and renewal fee, within 2 years from the date of the expiration. [PL 2007, c. 402, Pt. S, §9 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1979, c. 300, §5 (RPR). PL 1983, c. 413, §182 (AMD). PL 1987, c. 395, §A178 (AMD). PL 1993, c. 404, §A15 (AMD). PL 1995, c. 502, §H48 (AMD). PL 1999, c. 685, §15 (AMD). PL 2007, c. 402, Pt. S, §9 (AMD).

§4912. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$250 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. S, §10 (AMD); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §§15,16 (AMD). PL 1979, c. 34 (AMD). PL 1983, c. 413, §183 (RPR). PL 1991, c. 509, §26 (AMD). PL 1993, c. 404, §A16 (AMD). PL 1995, c. 502, §H34 (AMD). PL 1997, c. 141, §1 (AMD). PL 1999, c. 685, §16 (RPR). PL 2007, c. 402, Pt. S, §10 (AMD). PL 2011, c. 286, Pt. B, §5 (REV).

§4913. Denial or refusal to renew license; disciplinary action

The board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A. [PL 2007, c. 402, Pt. S, §11 (NEW).]

1. Powers of board and District Court Judge concerning complaints.

[PL 2007, c. 402, Pt. S, §11 (RP).]

2. Preferring of charges.

[PL 2007, c. 402, Pt. S, §11 (RP).]

3. Time for hearing of charges.

[PL 1977, c. 694, §648 (RP).]

4. Procedures.

[PL 1977, c. 694, §648 (RP).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §17 (RPR). PL 1977, c. 694, §§647,648 (AMD). PL 1983, c. 413, §184 (AMD). PL 1999, c. 547, §B72 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. S, §11 (RPR).

§4914. Reissuance of certificate

(REPEALED)

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §18 (RPR). PL 2019, c. 285, §12 (RP).

§4915. Enforcement

(REPEALED)

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 760, §19 (AMD). PL 2007, c. 402, Pt. S, §12 (RP).

§4916. Use of name

(REPEALED)

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1981, c. 501, §78 (RP).

§4917. Violation

(REPEALED)

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1981, c. 501, §79 (RP).

§4918. Plans prepared

All geologic plans, specifications, reports or documents that are prepared by a licensed geologist or by a subordinate under the licensed geologist's direction must be signed by the licensed geologist, which indicates the licensed geologist's responsibility for them. [PL 2019, c. 285, §13 (AMD).]

All soil science maps, reports or documents that are prepared by a licensed soil scientist or by a subordinate under the licensed soil scientist's direction must be signed by the licensed soil scientist, which indicates the licensed soil scientist's responsibility for them. [PL 2019, c. 285, §13 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1975, c. 623, §51D (AMD). PL 1975, c. 760, §20 (RPR). PL 2019, c. 285, §13 (AMD).

§4919. Unlicensed practice

A person who violates section 4903 is subject to the provisions of Title 10, section 8003-C. [PL 2007, c. 402, Pt. S, §13 (AMD).]

SECTION HISTORY

PL 1973, c. 558, §1 (NEW). PL 1983, c. 413, §185 (RPR). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 421, §B99 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2007, c. 402, Pt. S, §13 (AMD).

§4920. Receipts and disbursements**(REPEALED)**

SECTION HISTORY

PL 1985, c. 389, §22 (NEW). PL 2007, c. 402, Pt. S, §14 (RP).

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