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An Act to Amend the Laws Regarding the Use of Engineers on Public Works
Projects over \$100,000

(CONCEPT DRAFT)

PRESENTED BY: _____

(Senator BRAD FARRIN)

COUNTY: Somerset

131LR1484(01)

PROPOSED SHORT TITLE:
AMEND THE LAWS REGARDING THE
USE OF ENGINEERS ON PUBLIC WOR
(Subject to change)



MEMORANDUM

TO: Kate Dufour, Director, Advocacy & Communications
MMA Legislative Policy Committee

FROM: Richard LaBelle, Town Manager *RL*

SUBJECT: Consideration of Amendment to Title 32 § 1254
Required Use of Engineer for Public Works Projects

DATE: January 17, 2023

The Town of Norridgewock Road Advisory Committee has discussed the legally-required use of an engineer for Public Works projects that exceed \$100,000. The discussion began in response to the rapidly increasing cost of construction, overall inflation, and the associated cost of engineering services. While committee members understand that engineers can provide a valuable resource (especially on water-related projects), engineers end up over-complicating most smaller projects. This results in skyrocketing project costs that are shifted to the taxpayer.

At the request of our road committee, I contacted State Senator Bradlee Farrin (R-Norridgewock) to inquire about his willingness to sponsor an amendment to the existing law; he has indicated a preliminary willingness to do so. I am submitting this request to the LPC for consideration of support, feedback, proposed language, etc.

Initial thoughts for a proposed amendment:

- Raise the existing limit of \$100,000 to at least \$300,000
- Include a provision that automatically increases the threshold to account for inflation

On behalf of the Town of Norridgewock and rural communities across the State of Maine, thank you in advance for your consideration.

§1254. Public works

1. Use of licensed professional engineer not required. Except as provided in subsection 2, any department of this State or any of its political subdivisions or any county, city, town, township or plantation may engage in construction of any public work involving professional engineering without procuring the services of a licensed professional engineer, as long as the contemplated expenditure for the completed project does not exceed \$100,000 and the work, both as performed and as completed, does not create an undue risk to public safety or welfare.
[PL 2005, c. 315, §4 (AMD).]

2. Exception. Any department of this State or any of its political subdivisions or any county, city, town, township or plantation may require the services of a licensed professional engineer for any public works project if the services of the professional engineer are required to comply with any provision of law or rule.
[PL 2019, c. 375, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 304, §1 (RPR). PL 2005, c. 315, §4 (AMD). PL 2019, c. 375, §3 (AMD).

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