

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 914

S. P. 280

In Senate, February 19, 1969

Referred to Committee on State Government. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Revise the Architects' Registration Law.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 32, §§ 105-109, additional. Title 32 of the Revised Statutes is amended by adding 5 new sections to read as follows:

§ 105. Practice forbidden unless registered

No person shall engage in the practice of architecture or hold himself out to practice architecture nor shall any person use the title "architect" or the words "architecture" or "architectural" in describing his work unless he is registered by the State Board for Registration of Architects and his license to practice architecture is in full force and effect.

§ 106. Architecture defined

For purposes of this chapter the practice of architecture shall mean performing or offering to perform services for others with respect to:

1. **Planning.** The design or planning of buildings where an essential portion of the service required involves the shaping of space through the use of such elements as form, light, texture and color to create a proper environment for the human activities which such buildings or structures are intended to serve, or

2. **Construction documents.** The preparation of construction documents with respect to any project which has been designed or planned by an architect, or

3. **Coordination of services.** The coordination of services furnished by structural, civil, mechanical and electrical engineers or other consultants in

connection with the planning or construction of any project which has been designed or planned by an architect, or

4. Supervision. The responsible supervision of construction work in connection with a project which has been designed or planned by an architect.

§ 107. Practice by corporations restricted

No corporation, firm or partnership shall be registered to practice architecture in this State, but the practice of architecture by any such corporation, firm or partnership is permitted subject to the following conditions:

1. Supervision. All architectural services shall be performed by or under the direct personal supervision of a registered architect and all final drawings, plans, specifications and other similar documents shall bear the seal of the registered architect who was in continuous responsible charge of their preparation.

2. Title. No such corporation, firm or partnership shall use in its title the words "architects" or otherwise in advertising or describing its services use any word or device which indicates that more than one registered architect is employed unless there are at least 2 registered architects actively engaged as practicing architects who are members of the firm or employed by it.

3. Names. The title or name of any such corporation, firm or partnership shall not contain the names of any architect not then engaged in the actual practice of architecture, except that the name of a deceased or retired architect who was a member of the firm may be used if his name and the dates upon which he joined and left the firm are indicated on the stationery and other printed materials bearing the firm's letterhead and provided further that the same information is posted at the offices of the firm in a conspicuous place accessible to members of the public.

4. List. Any such corporation, firm or partnership shall upon request file with the board an up-to-date list of the names and addresses of those persons who are practicing or offering to practice architecture on their behalf together with the positions they hold in the firm.

5. Conduct. No such corporation, firm or partnership shall be relieved of responsibility for the conduct of its agents, employees or officers by reason of its compliance with this section nor shall any individual architect be relieved of responsibility for architectural services performed by him or under his direction by reason of his employment by or relationship with any such corporation, firm or partnership.

6. Ownership. At least 50% of the voting stock of the corporation or at least 50% of the beneficial interest in the firm or partnership shall be owned by an architect or architects registered to practice architecture in the State of Maine.

§ 108. Use of architect's seal

Every registered architect shall have a seal of a design to be determined by the board. All plans and specifications prepared by or under the direction

and control of a registered architect shall be stamped with his seal. No registered architect shall place his seal upon documents which were not prepared by him or under his direction and control or knowingly permit the same to be done. No registered architect shall use his seal after his certificate of registration has expired or been revoked or suspended.

§ 109. Penalties

Any person or corporation or the member of any firm or partnership who violates any provision of this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both.

Sec. 2. R. S., T. 32, §§ 101-104, repealed. Sections 101, 102, 103 and 104 of Title 32 of the Revised Statutes are repealed.

Sec. 3. R. S., T. 32, § 152, amended. Section 152 of Title 32 of the Revised Statutes is amended to read as follows:

§ 152. Qualifications for members

Each member of the board shall be a citizen of the United States, a resident of this State and ~~an a practicing architect of recognized standing who shall have been engaged in the independent practice of architecture for at least 10 years previous to his appointment~~ with the exception of one member who may be the head of a department of architecture in any college or university of this State and whose combined experience in practice and teaching shall not be less than ~~to~~ 5 years, at least 2 of which shall have been in the active practice of architecture as a profession.

Sec. 4. R. S., T. 32, § 153, amended. The last sentence of the first paragraph of section 153 of Title 32 of the Revised Statutes is amended to read as follows:

The members of the board shall each receive as compensation for their services ~~\$10~~ \$20 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Sec. 5. R. S., T. 32, § 153, amended. The 3rd sentence of the 2nd paragraph of section 153 of Title 32 of the Revised Statutes is amended to read as follows:

The secretary may or may not be a member of the board and he shall receive an annual salary to be fixed by the board not to exceed ~~\$200~~ \$500, which shall be in lieu of a per diem compensation.

Sec. 6. R. S., T. 32, § 154, repealed and replaced. Section 154 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 154. Rules and regulations

The board shall make such rules and regulations not inconsistent with this chapter as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter. The board shall establish rules and regulations governing the time, place, procedure and subject matter of

examinations and reexaminations given to applicants seeking to be registered to practice architecture in this State. Such proposed rules shall be published in the manner provided by Title 5, section 2351, subsection 3. Such rules shall be submitted to the office of the Attorney General and filed with the Secretary of State as required by Title 5, section 2351, subsection 4 and section 2352.

The board is authorized to establish and publish advisory standards of good practice for the guidance of persons engaged in the practice of architecture.

Sec. 7. R. S., T. 32, §§ 158, 201 & 203, repealed. Sections 158, 201 and 203 of Title 32 of the Revised Statutes are repealed.

Sec. 8. R. S., T. 32, § 202, sub-§ 2, repealed. Subsection 2 of section 202 of Title 32 of the Revised Statutes is repealed.

Sec. 9. R. S., T. 32, § 204, repealed and replaced. Section 204 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 204. Fees

For the purposes of defraying the expenses of the board, and as required for carrying out the purposes of this chapter, the following fees and penalties shall be paid:

1. **Examinations and registrations.** For applications for examination, certificates of registration and transfers of registration from another state or country, amounts to be fixed by the board not to exceed an aggregate total of \$100;

2. **Renewal.** For the annual renewal of a registration certificate, an amount to be fixed by the board which shall at no time exceed the sum of \$25;

3. **Restoration.** For the restoration of a lapsed, suspended or revoked certificate, an amount to be fixed by the board which at no time shall exceed the sum of \$25.

All fees must accompany applications and no part of these fees shall be refunded, except such part as the board by rule may provide in cases in which no certificate is issued.

Sec. 10. R. S., T. 32, § 206, amended. The 3rd paragraph of section 206 of Title 32 of the Revised Statutes is amended by inserting after the first sentence, a new sentence, to read as follows:

Not later than the 15th day of June in each year the secretary of the board shall send a notice to each registered architect whose certificate has not been renewed directed to his last known address informing him of the impending expiration date.

Sec. 11. R. S., T. 32, §§ 207-208, repealed. Section 207 and 208 of Title 32 of the Revised Statutes are repealed.

Sec. 12. R. S., T. 32, §§ 211-214, additional. Title 32 of the Revised Statutes is amended by adding 4 new sentences to read as follows:

§ 211. Disciplinary proceedings

1. Findings. The board is authorized to reprimand an architect or refuse to renew, or may revoke or suspend his certificate of registration whenever it finds that:

- A. His certificate was obtained through fraud or misrepresentation, or
- B. He has been guilty of fraud, gross negligence or gross incompetence in the practice of architecture, or
- C. He has been convicted of a felony by a court of justice, or
- D. He has violated section 108 or practiced architecture in the employ of a corporation, or as the member of a firm or partnership in violation of section 107, or
- E. He has knowingly aided in the unauthorized practice of architecture by persons not registered under this chapter.

2. Suspension. The board may reprimand an architect or may suspend his certificate of registration for up to 30 days if it finds that:

- A. He has split a fee with another person as compensation for assisting him to obtain work, or
- B. He has falsely injured the reputation or prospects of another architect, or
- C. He has resorted to paid advertising of his architectural services.

§ 212. Notice and hearing

Any person may prefer charges of misconduct against a registered architect. Such charges shall be in writing, sworn to by the complainant and filed with the secretary of the board. All such charges shall be heard within 90 days of being filed unless earlier dismissed or unless otherwise agreed by all parties concerned. The board shall send a copy of the charges together with notice of the time and place of hearing to the accused by registered or certified mail restricted to addressee only or cause the same to be served on him in hand at least 30 days before the date set for the hearing.

At the hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against him, and to produce evidence in his own defense. The board shall have the power to require the attendance of persons and records at any such hearing through the issuance of subpoenas.

The certificate of registration of the accused may be revoked, suspended or renewal refused only when at least 3 members of the board so vote. Any such order affecting the certificate of registration of the accused may specifically permit him to complete his work on contracts already in progress. The board, for good cause shown, may reissue certificates of registration which it had previously refused to renew or had revoked.

§ 213. Appeal

Any person aggrieved by a final decision of the board in a disciplinary proceeding may appeal to the Administrative Hearing Commissioner by

filing a complaint with the commissioner as provided by Title 5, section 2403, subsection 1 within 30 days of the date upon which the board's decision was rendered. Subsequent proceedings shall be governed by the Administrative Code.

§ 214. Investigation; civil enforcement

When a person, firm or corporation has engaged in or is about to engage in any act or practice which constitutes a violation of this chapter, the board may apply to the appropriate court for issuance of an injunction or other appropriate order restraining such act or practice. For this purpose and to assist it with the investigation of charges of misconduct, the board is authorized to request the assistance of the Attorney General or the prosecuting attorney for the county in which the violation occurred or is about to occur. The board is authorized to employ counsel and to hire such other assistance as may be necessary for the proper conduct of its affairs, the expense of such legal or other assistance to be paid from the revenues provided by this chapter.