

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 378

S. P. 137

In Senate, February 10, 1977

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed. Ordered sent forthwith.

MAY M. ROSS, Secretary

Presented by Senator Chapman of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Providing for the Practice of Architecture through a Corporation or a Partnership.

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

Sec. 1. 32 MRSA § 202, sub-§ 2, is repealed.

Sec. 2. 32 MRSA § 202-A is enacted to read:

§ 202-A. Practice by and through corporation and partnerships

1. No practice by corporation or partnership. No corporation or partnership, as such, shall be registered to practice architecture in this State.

2. Practice through corporation or partnership. Nothing in subsection 1 shall be construed to prevent the formation of corporations and partnerships as a vehicle for the practice of architecture subject to the following conditions.

A. The practice of or offer to practice architecture for others, as defined in section 201, by individual architects registered under this chapter through a corporation as officers, employees or agents, or through a partnership as partners, officers, employees or agents, or the offering or rendering of architectural services by a corporation or partnership through individual architects registered under this chapter is permitted, subject to this chapter; provided that:

(1) One or more of the corporate officers in the case of a corporation, or one or more of the partners in the case of a partnership, is designated as being responsible for the professional services described in section 201 of the corporation or partnership and is an architect under this chapter;

(2) All personnel of the corporation or partnership, who act in its behalf as architects, are registered under this chapter; and

(3) The corporation or partnership has been issued a certificate of authorization by the board, as hereinafter provided. The requirements of this chapter shall not prevent a corporation and its employees from performing architectural services for the corporation or subsidiary or affiliated corporations.

B. After January 1, 1978, any corporation or partnership desiring to obtain a certificate of authorization shall comply with the requirements of this section. One or more of the corporate officers, or one or more of the partners shall be designated as being responsible for the professional services of the corporation or partnership and shall be a licensed architect pursuant to this chapter. All personnel of the corporation or partnership who act on its behalf as architects in this State shall be registered under this chapter.

C. A corporation or partnership desiring a certificate of authorization shall file with the board an application, using a form provided by the board, listing relevant information, including the names and addresses of all officers and directors of the corporation, or partners of the partnership, and also of an individual or individuals duly registered to practice architecture in this State who shall be responsible for the practice of architecture in this State by the corporation or partnership, and other information required by the board accompanied by an original authorization fee to be determined by the board. A form, giving the same information, shall accompany the annual renewal fee to be determined by the board. If there is a change in any of these persons during the year, the change shall be designated on the same form and filed with the board within 30 days after the effective date of the change. If all of the requirements of this section are met, the board shall issue a certificate of authorization to the corporation or partnership, and the corporation or partnership may contract for and collect fees for architectural services.

D. No corporation or partnership is relieved of responsibility for conduct or acts of its agents, employees or officers by reason of its compliance with this section, nor is any individual who is practicing architecture as defined in section 201 relieved of responsibility for architectural services performed by reason of his employment or relationship with such corporation or partnership.

Sec. 3. 32 MRSA § 204, sub-§§ 5 and 6 are enacted to read:

5. Certificate of authorization. For initial issuance of a certificate of authorization to a corporation or a partnership under section 202-A, an amount to be fixed by the board which at no time shall exceed the sum of \$50.

6. Renewal of certificate of authorization. For the annual renewal of a certificate of authorization to a corporation or partnership under section 202-A, an amount to be fixed by the board which at no time shall exceed the sum of \$25.

STATEMENT OF FACT

The purpose of this bill is to provide a procedure whereby corporations or partnerships may be utilized as a vehicle for the practice of architecture subject to certain conditions which are designed to protect the public generally by providing the specified control of such practice by the Board of Registration of Architects.