

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1576

H.P. 1082

House of Representatives, April 17, 1991

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative COLES of Harpswell.

Cosponsored by Representative CONSTANTINE of Bar Harbor, Senator BALDACCI of Penobscot and Representative GRAHAM of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning the Practice of Landscape Architecture.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, current law prevents many persons from engaging in
6 activities normal to their work because it is defined as
landscape architecture; and

8 Whereas, these persons should not have their livelihood put
10 at risk provided they do not profess to be licensed landscape
architects; and

12 Whereas, in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

20 **32 MRSA §220, sub-§2, as amended by PL 1987, c. 395, Pt. A,**
22 **§115, is further amended to read:**

24 **2. Landscape architects.**

26 A. ~~No A person may practice landscape architecture or~~ not
use the title "landscape architect" or ~~call himself a~~
28 ~~landscape architect or~~ sign drawings or specifications as a
landscape architect unless ~~he shall be duly~~ that person is
30 licensed as a "landscape architect" by the board.

32 As used in this chapter, the practice of landscape
architecture ~~shall consist~~ consists of rendering or offering
34 to render services to clients by consultations,
investigations, preliminary studies, plans, specifications,
36 contract documents involving the development of land and
incidental water areas where and to the extent that the
38 dominant purpose of such services is the preservation,
enhancement or determination of proper land uses, natural
40 land features, naturalistic and aesthetic values, the
settings and approaches to buildings, structures, facilities
42 or other improvements, and natural drainage and the
consideration, determination and solution of inherent
44 problems of the land relating to erosion, wear and tear,
blight or other hazards. Also the practice of landscape
46 architecture ~~shall include~~ includes the location and
arrangement of such tangible objects and features as are
48 incidental and necessary to the purposes outlined herein.

50 The practice of landscape architecture shall does not
include the practice of architecture as defined in this
52 chapter. A licensed landscape architect may do such

2 architectural work as is incidental to his the landscape
3 architect's work.

4 B. Qualifications.

6 (1) To be qualified for admission to the examination
7 to practice landscape architecture in this State an
8 applicant must submit evidence that:

10 (a) ~~He~~ The applicant has completed a course of
11 study in a school or college of landscape
12 architecture approved ~~to~~ by the board, with
13 graduation ~~therefrom--as~~ evidenced by a diploma
14 setting a satisfactory degree, and 2 years of
15 practical experience in landscape architectural
16 work of a grade and character satisfactory to the
17 board; or

18 (b) Training or practical experience, or a
19 combination of both, which in the opinion of the
20 board, is fully equivalent to that required in
21 division (a).

24 (2) ~~No~~ A corporation as such may not be licensed to
25 practice landscape architecture in this State, but it
26 shall--be is lawful for a corporation to practice
27 landscape architecture providing at least 1/3 of the
28 directors, if a corporation, or 1/3 of the partners, if
29 a partnership, are is licensed under the laws of any
30 state to practice landscape architecture and the person
31 having the practice of landscape architecture ~~in-his~~
32 ~~charge~~ is ~~himself~~ a director, if a corporation, or a
33 partner if a partnership, and licensed to practice
34 landscape architecture under this chapter and all
35 drawings, plans, specifications and administration of
36 construction or alterations of buildings or projects by
37 such corporation are under the personal direction of
38 such registered architect. One-third of the directors
39 ~~of~~ or partners shall must be licensed under the laws of
40 any state to practice engineering, architecture,
41 landscape architecture or planning. ~~In-cases-where~~ When
42 the number of directors or partners is not divisible by
43 3, the number of directors or partners shall must be
44 the number that results from rounding up or rounding
45 down to the nearest number.

46 **Emergency clause.** In view of the emergency cited in the
47 preamble, this Act takes effect when approved.
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STATEMENT OF FACT

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6 This bill deletes language added in 1987 forbidding the
practice of landscape architecture by unlicensed persons. Under
8 current law, the practice is defined broadly so that many persons
doing this work would not be allowed to continue their
occupations without this change in the law.