

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1738

S.P. 662

In Senate, April 29, 1991

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot

Cosponsored by Representative REED of Dexter and Senator RICH of Cumberland.

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STATE OF MAINE

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

---

**An Act to Provide Better Regulation of the Practice of Architecture and  
Landscape Architecture.**

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(EMERGENCY)

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

Whereas, delay in implementation of changes to the law will result in unnecessary burdens on the Board of Licensure of Architects and Landscape Architects to function independently and financially; and

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

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

Sec. 1. 10 MRSA §8001, sub-§32-A is enacted to read:

32-A. Maine State Board for Licensure of Architects and Landscape Architects. Licensure of Architects and Landscape Architects, Maine State Board for;

Sec. 2. 10 MRSA §8001-A, sub-§1, as enacted by PL 1989, c. 450, §5, is repealed.

Sec. 3. 32 MRSA §211, last ¶, as repealed and replaced by PL 1983, c. 413, §3, is amended to read:

Appointments shall ~~be~~ are for 3-year terms, except that no more than 3 members' terms may expire in any one calendar year. Appointments for terms of less than 3 years may be made in order to comply with this limitation. ~~No A person may--be~~ is not eligible to serve more than 3 full consecutive terms, ~~--provided that--for--this--purpose--only--a.~~ A period actually served which that exceeds 1/2 of the 3-year term shall--be is deemed a full term. Upon expiration of a member's term, ~~he--shall--serve~~ the member serves until his the member's successor is qualified and appointed. The successor's term shall ~~be~~ is for 3 years from the date of the expiration, regardless of the date of his the successor's appointment. Any vacancy shall must be filled by appointment for the unexpired term. A member may be removed by the Governor for cause.

Sec. 4. 32 MRSA §212, as enacted by PL 1977, c. 463, §3, is amended to read:

**§212. Qualifications for members**

Each member of the board shall must be a citizen of the United States, a resident of this State and in the case of architect or landscape architect members shall must be of

2 ~~recognized-standing~~ currently licensed by the State and engaged  
3 in the independent practice of architecture or landscape  
4 architecture in the State for at least 5 years immediately prior  
5 to appointment. The member who may be a professor of  
6 architecture in any college or university of this State shall  
7 have combined experience in practice and teaching of not less  
8 than 5 years, at least 2 of which shall must have been in the  
active practice of architecture as a profession.

10 **Sec. 5. 32 MRSA §213-A, first ¶**, as repealed and replaced by PL  
11 1983, c. 812, §193, is amended to read:

12 Each member of the board ~~and--the--secretary--shall--be~~  
13 compensated is entitled to compensation according to the  
14 provisions of Title 5, chapter 379. These expenses shall must be  
15 certified by the secretary of the board.

18 **Sec. 6. 32 MRSA §213-A, last ¶**, as repealed and replaced by PL  
19 1983, c. 812, §193, is repealed.

20 **Sec. 7. 32 MRSA §216**, as amended by PL 1987, c. 395, Pt. A,  
21 §111, is further amended to read:

24 **§216. Records**

26 The board shall keep such records and minutes as are  
27 necessary to the ordinary dispatch of its functions. The board  
28 shall keep a register of all ~~applicants--for--licensure--and--a~~  
29 ~~register--of--all~~ licensees which must be available at cost to all  
30 persons.

32 **Sec. 8. 32 MRSA §217-A**, as amended by PL 1983, c. 758, §2, is  
33 repealed.

34 **Sec. 9. 32 MRSA §217-C** is enacted to read:

36 **§217-C. Employees**

38 The Commissioner of Professional and Financial Regulation  
39 may appoint, subject to the Civil Service Law, such employees as  
40 may be necessary to carry out this chapter. Any person so  
41 employed must be located in the department and under the  
42 administrative and supervisory direction of the commissioner.

44 **Sec. 10. 32 MRSA §220**, as amended by PL 1987, c. 395, Pt. A,  
45 §115, is further amended to read:

48 **§220. Practice forbidden unless licensed; qualifications**

50 **1. Architects.**

2 A. No ~~A~~ person may not practice architecture or hold  
3 himself-out profess to practice architecture within inside  
4 the State or use the title "architect" or call-himself  
5 profess to be an "architect," "registered architect" or  
6 "architectural designer" or display or use any words,  
7 letters, figures, titles, sign, card advertisement or other  
8 symbol or device indicating or tending to indicate that the  
9 person is an architect or is practicing architecture, or  
10 sign drawings or specifications as an architect, technical  
11 submissions unless he shall be the person is duly licensed  
12 by the board.

13 As used in this chapter, the practice of architecture shall  
14 ~~consist~~ consists of rendering or offering to render service  
15 to clients by consultations, investigations, preliminary  
16 ~~studies, plans, specifications, contract documents~~ technical  
17 submissions and a coordination of structural factors  
18 concerning the aesthetic or structural design and ~~inspection~~  
19 administration of construction of ~~buildings~~ contracts or any  
20 other service in connection with the designing or ~~inspection~~  
21 administration of construction of contracts for buildings  
22 located within inside the State that have as their principal  
23 purpose human occupancy or habitation, regardless of whether  
24 such the persons are performing one or all of these duties,  
25 or whether they are performed in person or as the directing  
26 head of an office or organization performing them.

27 As used in this chapter, the term "technical submissions"  
28 includes the preliminary studies, plans, designs, drawings,  
29 specifications and contract documents, as well as other  
30 documents, prepared in the course of practicing architecture  
31 or landscape architecture.

32 The practice of architecture shall ~~does~~ not include the  
33 practice of landscape architecture as defined in this  
34 chapter. A licensed architect may do such landscape  
35 architectural work as is incidental to his the architect's  
36 work.

37 B. Qualifications.

38 (1) To be qualified for admission to the examination  
39 to practice architecture in this State an applicant  
40 must submit evidence to the board that:

41 (a) He The applicant has completed a course of  
42 study in a school or college of architecture  
43 approved by the board, with graduation therefrom  
44 as evidenced by a diploma setting forth a  
45 satisfactory degree, and 3 years of practical  
46 experience in the office of an experienced

2 architect or architects engaged in the practice of  
architecture as a profession; or

4 (b) Training or practical experience, or a  
6 combination of both, which that in the opinion of  
the board, is fully equivalent to that required in  
8 division (a).

10 ~~(2) No corporation as such may be licensed to practice  
12 architecture in this State, but it shall be lawful for  
14 a corporation to practice architecture providing at  
16 least 1/3 of the directors, if a corporation, or 1/3 of  
18 the partners, if a partnership, are licensed under the  
20 laws of any state to practice architecture and the  
22 person having the practice of architecture in his  
24 charge is himself a director, if a corporation, or a  
26 partner, if a partnership, and licensed to practice  
28 architecture under this chapter and all drawings,  
30 plans, specifications and administration of  
construction or alterations of buildings or projects by  
such corporation are under the personal direction of  
such registered architect. One third of the directors  
or partners shall be licensed under the laws of any  
state to practice engineering, architecture, landscape  
architecture or planning. In cases where the number of  
directors or partners is not divisible by 3 the number  
of directors or partners shall be the number that  
results from rounding up or rounding down to the  
nearest number.~~

32 (2) An applicant for licensure as an architect in this  
34 State who has a current and valid license from another  
36 jurisdiction and a certificate from the National  
38 Council of Architectural Registration Boards may offer  
40 to render architectural services in this State prior to  
licensure by the board if the applicant first notifies  
the board in writing that the applicant will be present  
in this State to offer to render architectural  
services. The applicant may not render architectural  
services until duly licensed by the board.

42 C. Corporations and partnerships.

44 (1) A corporation or partnership may not be licensed  
46 to practice architecture in this State, but it is  
48 lawful for a corporation or partnership to practice  
architecture in this State if:

50 (a) At least 1/3 of the directors, if a  
52 corporation, or 1/3 of the partners, if a  
partnership, are licensed under the laws of any  
state to practice architecture;

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(b) The practice of architecture is under the direct supervision of a director or partner who is licensed to practice architecture under this chapter; and

(c) An additional 1/3 of the directors or partners are licensed under the laws of any state to practice engineering, architecture or landscape architecture.

If the total number of directors or partners is not divisible by 3, the number of directors or partners required to satisfy the requirements of this subparagraph is determined by dividing the total number of directors or partners by 3 and rounding to the nearest whole number.

Any corporation or partnership authorized to practice architecture under this chapter shall, upon written request from the board, submit information concerning the organization and activities of the corporation or partnership.

(2) A corporation or partnership authorized under this chapter to practice architecture in the State may offer to render and may practice landscape architectural services beyond those landscape architectural services that are incidental to the rendering of architectural services if:

(a) The person who is rendering landscape architectural services is a licensed landscape architect under this chapter; and

(b) The landscape architectural services offered are rendered by or under the direct supervision of a licensed landscape architect.

(3) A corporation or partnership that may not otherwise offer to render architectural services may offer to render those services if:

(a) An architect licensed in the State or otherwise permitted to offer to render architectural services participates substantially in all material aspects of the offering and supervises directly the architectural services provided;

(b) The corporation or partnership provides written disclosure at the time of the offering

2 that the architect is engaged by and responsible  
3 contractually to the corporation or partnership;  
4 and

5 (c) The corporation or partnership provides  
6 written notice to any person who engages the  
7 corporation or partnership to receive the  
8 architectural services offered, prior to  
9 termination of the architect involved in the  
10 offering.

12 2. Landscape architects.

14 A. No person may not practice landscape architecture or  
15 use the title "landscape architect" or call himself profess  
16 to be a landscape architect or sign drawings--or  
17 specifications---as---a---landscape---architect technical  
18 submissions unless he shall be that person is duly licensed  
19 by the board.

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

38 As used in this chapter, the practice of landscape  
39 architecture consists of rendering or offering to render  
40 services to clients by consultations and technical  
41 submissions for the purposes of landscape preservation,  
42 development and enhancement. These services must apply  
43 artistic and scientific principals to the research,  
44 planning, design and management of both natural and built  
45 environments. These services may include but not be limited  
46 to the following activities:

47 (1) Investigation, selection and allocation of land  
48 and water resources for appropriate use;  
49



2           (2) Formulation of graphic and written criteria to  
3           govern the planning and design of landscape  
4           construction programs;

6           (3) Preparation of master plans for land use and  
7           development;

8           (4) Production of contract documents for landscape  
9           construction, which may include grading and drainage  
10          plans, irrigation plans, planting plans, construction  
11          detail plans and specifications;

12          (5) Cost estimates for landscape construction;

14          (6) Field observation and inspection of landscape  
15          construction; and

16          (7) Reclamation or rehabilitation of disturbed and  
17          historic landscapes.

18                   Practitioners of landscape architecture may collaborate in  
19                   the design of buildings, roads, bridges and other structures  
20                   with respect to the functional and aesthetic requirements of  
21                   the landscape in which they are to be placed.

22                   The practice of landscape architecture shall does not  
23                   include the practice of architecture as defined in this  
24                   chapter. A licensed landscape architect may do such  
25                   architectural work as is incidental to his the landscape  
26                   architect's work.

27                   B. Qualifications.

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

31                   (a) ~~He~~ The applicant has completed a course of  
32                   study in a school or college of landscape  
33                   architecture approved ~~to~~ by the board, with  
34                   graduation ~~therefrom~~ as evidenced by a diploma  
35                   setting a satisfactory degree, and 2 years of  
36                   practical experience in landscape architectural  
37                   work of a grade and character satisfactory to the  
38                   board; or

39                   (b) Training or practical experience, or a  
40                   combination of both, ~~which~~ that in the opinion of  
41                   the board, is fully equivalent to that required in  
42                   division (a).  
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2 (2) ~~No corporation as such may be licensed to practice  
landscape architecture in this State, but it shall be  
4 lawful for a corporation to practice landscape  
architecture providing at least 1/3 of the directors,  
6 if a corporation, or 1/3 of the partners, if a  
partnership, are licensed under the laws of any state  
8 to practice landscape architecture and the person  
having the practice of landscape architecture in his  
10 charge is himself a director, if a corporation, or a  
partner if a partnership, and licensed to practice  
12 landscape architecture under this chapter and all  
drawings, plans, specifications and administration of  
14 construction or alterations of buildings or projects by  
such corporation are under the personal direction of  
16 such registered architect. One third of the directors  
of partners shall be licensed under the laws of any  
18 state to practice engineering, architecture, landscape  
architecture or planning. In cases where the number of  
20 directors or partners is not divisible by 3, the number  
of directors or partners shall be the number that  
22 results from rounding up or rounding down to the  
nearest number.~~

24 (2) An applicant for licensure as a landscape  
architect in this State who has a current and valid  
26 license from another jurisdiction and a Council of  
Landscape Architectural Registration Boards certificate  
28 may offer to render landscape architectural services in  
the State prior to licensure by the board provided the  
30 applicant first notifies the board in writing that the  
applicant will be present in the State to offer to  
32 render landscape architectural services. The applicant  
may not render landscape architectural services until  
34 duly licensed by the board.

36 C. Corporations and partnerships.

38 (1) A corporation or partnership may not be licensed  
to practice landscape architecture in this State, but  
40 it is lawful for a corporation or partnership to  
practice landscape architecture in this State if:

42 (a) At least 1/3 of the directors, if a  
44 corporation, or 1/3 of the partners, if a  
partnership, are licensed under the laws of any  
46 state to practice landscape architecture;

48 (b) The practice of landscape architecture is  
under the direct supervision of a director or  
50 partner who is licensed to practice landscape  
architecture under this chapter; and  
52

2 (c) An additional 1/3 of the directors or  
3 partners are licensed under the laws of any state  
4 to practice engineering, architecture or landscape  
5 architecture.

6 If the total number of directors or partners is not  
7 divisible by 3, the number of directors or partners  
8 required to satisfy the requirements of this  
9 subparagraph is determined by dividing the total number  
10 of directors or partners by 3 and rounding to the  
11 nearest whole number.

12 Any corporation or partnership authorized to practice  
13 landscape architecture under this chapter shall, upon  
14 written request from the board, submit information  
15 concerning the organization and activities of the  
16 corporation or partnership.

17 (2) A corporation or partnership authorized under this  
18 chapter to practice landscape architecture in the State  
19 may offer to render architectural services beyond those  
20 architectural services that are incidental to the  
21 rendering of landscape architectural services if:

22 (a) The person who is rendering architectural  
23 services is a licensed architect under this  
24 chapter; and

25 (b) The architectural services offered are  
26 rendered by or under the direct supervision of a  
27 licensed architect.

28 (3) A corporation or partnership that may not  
29 otherwise offer to render landscape architectural  
30 services may offer to render those services if:

31 (a) A landscape architect licensed in the State  
32 or otherwise permitted to offer to render  
33 landscape architectural services participates  
34 substantially in all material aspects of the  
35 offering and supervises directly the landscape  
36 architectural services provided;

37 (b) The corporation or partnership shall provide  
38 written disclosure at the time of the offering  
39 that the landscape architect is engaged by and  
40 responsible contractually to the corporation or  
41 partnership; and

42 (c) The corporation or partnership shall provide  
43 written notice to any person who engages the  
44 corporation or partnership to receive the

2                    landscape architectural services offered, prior to  
3                    termination of the landscape architect involved in  
4                    the offering.

5                    **Sec. 11. 32 MRSA §222, sub-§1**, as amended by PL 1983, c. 413,  
6                    §10, is further amended to read:

7                    1. **Application for licensure.** For an application for  
8                    registration licensure an amount shall must be fixed by the board  
9                    ~~which shall be~~ that is reasonable and necessary for its purpose.

10                    **Sec. 12. 32 MRSA §222, sub-§3**, as amended by PL 1987, c. 395,  
11                    Pt. A, §118, is further amended to read:

12                    3. **License.** For a license for a resident or nonresident by  
13                    transfer of license from another state or country, an amount  
14                    shall must be fixed by the board that may not exceed \$200.

15                    **Sec. 13. 32 MRSA §222, sub-§4**, as amended by PL 1987, c. 395,  
16                    Pt. A, §118, is repealed.

17                    **Sec. 14. 32 MRSA §222, sub-§§5 and 6**, as amended by PL 1987, c.  
18                    395, Pt. A, §118, are further amended to read:

19                    5. **Renewal.** For the annual renewal of a license  
20                    certificate an amount shall must be fixed by the board which  
21                    shall that may not exceed the sum of \$25 \$100.

22                    6. **Reissuance.** For the reissuance of a lapsed or suspended  
23                    license, an amount shall must be fixed by the board ~~which shall~~  
24                    that may not exceed the sum of \$50 \$100.

25                    **Sec. 15. 32 MRSA §222, last ¶**, as enacted by PL 1977, c. 694,  
26                    §547, is amended to read:

27                    All fees must accompany applications and no part of these  
28                    fees shall may be refunded, except such ~~part~~ parts as may be  
29                    provided under the rules of the board to be refunded when no  
30                    certificate license is issued. The board shall adopt a fee  
31                    schedule and refund policy by rules ~~promulgated~~ adopted in  
32                    accordance with the Maine Administrative ~~Proceedures~~ Procedure  
33                    Act, Title 5, section 8051 et seq.

34                    **Sec. 16. 32 MRSA §223**, as amended by PL 1987, c. 395, Pt. A,  
35                    §119, is repealed.

36                    **Sec. 17. 32 MRSA §223-A** is enacted to read:

37                    **§223-A. Licensure without examination**

38                    A license may be issued without an examination under any one  
39                    of the following conditions.

2           1. Certification by National Council of Architectural  
3           Registration Boards. An architect license may be issued without  
4           examination to an applicant who has a current and valid  
5           certificate of licensure from another state and a current and  
6           valid National Council of Architectural Registration Boards  
7           certificate. The applicant must file an application for  
8           licensure with the Maine State Board for Licensure of Architects  
9           and Landscape Architects on a form prescribed by the board  
10           containing such information as the board considers pertinent.

12           2. Architect licensure from other jurisdictions. An  
13           architect license may be issued without examination to an  
14           applicant who holds a current and valid license from another  
15           jurisdiction provided the requirements for the license are  
16           determined equivalent to requirements for licensure by  
17           examination in this State and the applicant submits other  
18           evidence of ability as may be required by the board.

20           3. Certification by Council of Landscape Architectural  
21           Registration Board. A landscape architect license may be issued  
22           without examination to an applicant who has passed a standard  
23           examination and received certification by the Council of  
24           Landscape Architectural Registration Board and provides the board  
25           further evidence of continued honorable professional conduct  
26           after passing the examination.

28           4. Landscape architect licensure from other jurisdictions.  
29           A landscape architect license may be issued without examination  
30           to an applicant who holds a current and valid license from  
31           another jurisdiction provided the requirements for the license  
32           are determined equivalent to the requirements for licensure by  
33           examination in this State and the applicant submits other  
34           evidence of ability as may be required by the board.

36           Sec. 18. 32 MRSA §224, first and last ¶¶, as amended by PL 1987,  
37           c. 395, Pt. A, §120, are further amended to read:

38           The board shall issue a license, upon payment of the fee  
39           provided for in this chapter, to any applicant who, in the  
40           opinion of the board, has satisfactorily met all the requirements  
41           of this chapter. Licenses shall must bear a serial number and  
42           the full name of the registrant, ~~and shall bear the signatures of~~  
43           ~~the chairman and secretary, and the seal of the board~~ licensee.

44           Licenses shall expire on the last day of June of each year  
45           or any other time the Commissioner of Professional and Financial  
46           Regulation designates. Renewal may be effected at any time  
47           during the renewal month of June by payment of the renewal fee.  
48           A license may be renewed up to 90 days after the date of its  
49           expiration upon payment of a late fee of \$10 in addition to the  
50           renewal fee. Any person who submits an application for renewal  
51           renewal fee. Any person who submits an application for renewal  
52           renewal fee.

2 more than 90 days after the license expiration date shall-be is  
3 subject to all requirements governing new applicants under this  
4 chapter, except that the board may in its discretion, giving due  
5 consideration to the protection of the public, waive examination  
6 if the renewal application is made within 2 years from the date  
7 of the expiration.

8 **Sec. 19. 32 MRSA §225**, as amended by PL 1987, c. 395, Pt. A,  
9 §121, is further amended to read:

10 **§225. Seal**

11 Each licensee shall upon licensure obtain a seal of such  
12 design as the board shall-~~authorize~~ authorizes and ~~direct~~ directs  
13 and shall submit an impression of the seal to the board. Plans  
14 ~~and specifications,~~ Technical submissions prepared by or under  
15 the direct supervision of a licensed architect ~~in the case of an~~  
16 ~~architect-registrant,~~ ~~and~~ or under the direct supervision of a  
17 licensed landscape architect ~~in the case of a landscape architect~~  
18 ~~registrant,~~ ~~shall~~ must be stamped with the seal during the life  
19 of the licensee's license, ~~and it shall be .~~ It is unlawful for  
20 anyone to stamp or seal any documents with the seal after the  
21 license named thereon on the seal has expired or has been  
22 revoked, unless the license shall-~~have~~ has been renewed or  
23 reissued.

24 As used in this section, "direct supervision of a technical  
25 submission" means that the supervising licensee has personal  
26 knowledge of the technical submission and direct knowledge of  
27 involvement with and control over preparation of the technical  
28 submission, provided that persons consulting with or employed by  
29 the licensee who are licensed in this State under any other  
30 provision of law may provide direct supervision of portions of  
31 the technical submission. Those portions are determined to be  
32 under the direct supervision of the licensee if the licensee has  
33 reviewed those portions, coordinated their preparation and is  
34 responsible for their adequacy.

35 A public official charged with enforcement duties under  
36 Title 5, section 1742, subsection 7; Title 25, section 2448; and  
37 Title 30-A, section 3007, subsection 2 may not accept or approve  
38 any technical submission involving the practice of architecture  
39 unless the technical submission is stamped as required by this  
40 section or the applicant certifies on the submission to the  
41 applicability of a specific exception under section 226  
42 permitting the preparation of the technical submission by a  
43 person not licensed under this chapter. A building permit issued  
44 with respect to a technical submission that does not conform with  
45 the requirements of this section is invalid.

46 **Sec. 20. 32 MRSA §226**, as enacted by PL 1977, c. 463, §3, is  
47 repealed and the following enacted in its place:

2     §226. Exceptions

4             1. Practices excepted. Nothing in this chapter may be  
6             construed to affect or prevent the practice of:

8             A. Supervision by builders or superintendents employed by  
10            those builders of the installation of architectural or  
12            landscape architectural projects;

14            B. Marine or naval architects acting within the scope of  
16            their profession or occupation;

18            C. Officers or employees of the Federal Government engaged  
20            inside the State in the practice of architecture or  
22            landscape architecture for the Federal Government;

24            D. Any person in the regular employment of a public utility  
26            carrying out work incidental to the person's employment;

28            E. Any person who is qualified under the law to use the  
30            title "professional engineer," provided the person does only  
32            architectural or landscape architectural work as is  
34            incidental to the person's engineering work;

36            F. Any arborist, nursery owner, forester, horticulturist or  
38            general or landscape contractor acting within the scope of  
40            their profession or occupation;

42            G. Any person from making plans or drawings for the  
44            selection, use or placement of plants and improvements  
46            incidental to those plans and drawings;

48            H. Any vendor of landscaping or planting goods or materials  
50            from providing drawings or graphic diagrams necessary for  
52            the proper layout of those goods or materials;

I. The preparation of details and shop drawings,  
            job-specific interpretations of technical submissions by  
            architects or landscape architects, by persons other than  
            landscape architects or architects, for use in connection  
            with the execution of their work; and

J. Employees of those practicing lawfully as architects or  
            landscape architects under this chapter from acting under  
            the instructions, control or supervision of their employers.

2. Technical submissions; construction or development.  
            Nothing in this chapter may be construed to prevent any person  
            from preparing technical submissions for, or administering  
            construction contracts in, the erection, construction or  
            development of:





2 Architects, which remains unchanged except for some rewording and  
clarifies board membership requirements;

4 2. Clarifies the definition of the terms "architect" and  
"landscape architect." The inclusion of the term "technical  
6 submissions" is designed to describe all activities in the  
practice of architecture and landscape architecture that are  
8 subject to this bill. The applicant, for admission to the  
examination to practice architecture or landscape architecture,  
10 must satisfy the current qualifications;

12 3. Provides further clarity as to the requirements that  
corporations and partnerships must meet in order to practice  
14 architecture and landscape architecture. In addition, if  
licensure of an applicant, whether or not a corporation or  
16 partnership, by the Maine State Board for Licensure of Architects  
and Landscape Architects is pending or the applicant is not  
18 otherwise able to render architectural or landscape architectural  
services, the applicant may offer to render those services under  
20 limited circumstances. The present law regarding applicability  
of licensure to currently registered and unregistered landscape  
22 architects is retained;

24 4. Provides for uniform licensure and establishes a uniform  
licensure fee for both residents and nonresidents. Adjustments  
26 to renewal and reissuance fees are also provided;

28 5. Repeals the present requirements for issuance of  
certificates of registration without examination;

30 6. Provides the circumstances in which a license may be  
32 issued without examination. If a certification is issued by the  
National Council of Architectural Registration Boards, licensure  
34 by other jurisdictions, certification by the Council of Landscape  
Architectural Registration Boards and landscape architect  
36 licensure from other jurisdictions are acceptable;

38 7. Provides for the method of issuance of a license by the  
Maine State Board for Licensure of Architects and Landscape  
40 Architects;

42 8. Requires a licensee to obtain a seal and submit an  
impression to the Maine State Board for Licensure of Architects  
44 and Landscape Architects. All technical submissions prepared by  
a licensed architect or landscape architect or a person under the  
46 direct supervision of a licensed architect or landscape architect  
must be stamped with the seal. Any official with enforcement  
48 duties can not accept any technical submission unless it is  
stamped with a seal or certified as a specific exception as  
50 provided in the Maine Revised Statutes, Title 32, section 225.  
Building permits so issued are invalid; and

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9. Provides exceptions for certain professions and certain employees, and for construction and development of certain structures.

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