

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2287

H.P. 1624

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 SWAZEY of Bucksport.

Cosponsored by Senator COLLINS of Aroostook, Representative CONSTANTINE of Bar Harbor and Representative HEESCHEN of Wilton.

STATE OF MAINE

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

An Act to Amend the Law Regulating Architects.



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

2
4 **Sec. 1. 32 MRSA §220, sub-§1, ¶A**, as amended by PL 1991, c.
396, §11, is further amended to read:

6 A. A person may not practice architecture or profess to
8 practice architecture inside the State or use the title or
9 profess to be an "architect" or "registered architect" or
10 display or use any words, letters, figures, titles, sign,
11 card advertisement or other symbol or device indicating or
12 tending to indicate that the person is an architect or is
13 practicing architecture, or sign technical submissions
14 unless the person is duly licensed by the board.

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

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

36 The practice of architecture does not include the practice
37 of landscape architecture as defined in this chapter. A
38 licensed architect may do landscape architectural work as is
39 incidental to the architect's work.

40 **Sec. 2. 32 MRSA §226, sub-§2**, as repealed and replaced by PL
41 1991, c. 396, §21, is amended to read:

42 **2. Buildings excepted.** Nothing in this chapter may be
43 construed to prevent any person from preparing---technical
44 submissions---for,---or---administering---construction---contracts
45 practicing architecture in, the erection, construction or,
46 development, alteration, renovation or remodeling of:

48 A. ~~Single or 2 family dwellings~~ A building to be used as a
50 residence by not more than 2 families, including those to be

2 utilized for home occupations, as defined by local
4 ordinances, and sheds, storage buildings and garages
6 incidental to the dwellings those buildings;

8 B. Farm buildings, including barns, silos, sheds or housing
10 for farm equipment and machinery, livestock, poultry or
12 storage, if the structures are designed to be occupied by no
14 more than 10 persons; and

16 C. ~~Alterations, renovations or remodeling of a building
when the alteration, renovation or remodeling does not
affect structural or other safety features of the building
and when the work contemplated by the design does not
require the issuance of a permit under applicable building
codes or when the work involves those structures as provided
in paragraphs A and B.~~

18 F. Public buildings, as defined in Title 25, section 2448,
20 of less than 3,000 square feet in which structural steel or
22 reinforced concrete is not utilized.

24 Nothing in this chapter prevents any person from practicing
26 architecture in the alteration, renovation or remodeling of
28 buildings other than those covered by paragraphs A, B and F when
30 the cost of alteration, renovation or remodeling does not exceed
32 \$50,000.

34 STATEMENT OF FACT

36 This bill does the following.

38 1. It removes the term aesthetic design from those
40 practices that require a licensed architect.

42 2. It changes the word "preliminary" to the word "final" in
44 describing the various documents defined as technical
46 submissions. Preparation of technical submissions is one of many
48 activities that comprise the practice of architecture as defined
in Maine law.

3. Current laws require an architectural license to
practice architecture except for the technical submissions
related to initial construction of single or 2-family dwellings
and farm buildings. This bill removes all licensing requirements
for the practice of architecture on those buildings and includes
alterations as well as initial construction in the exemption.

2 4. It adds public buildings of under 4,000 square feet that
3 are not constructed of reinforced concrete or structural steel to
4 the list of buildings exempted from architectural licensing
5 requirements.

6 5. Current law exempts from architectural licensing
7 requirements alterations that do not affect the structure of the
8 building and do not require a building permit. This bill
9 eliminates that exemption and exempts, instead, public buildings
10 whose alteration cost does not exceed \$50,000.