

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 467, L.D. 1459, Bill, "An Act to Register the Use of the Title of Registered Interior Designer"

Amend the bill by striking out the title and substituting the following:

'An Act to Regulate the Use of the Title of Certified Interior Designer'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 3 MRSA §927, sub-§8, ¶B, as amended by PL 1993, c. 92, §5, is further amended to read:

B. Independent agencies:

- (1) Real Estate Commission;
- (2) Maine Athletic Commission;
- (3) State Claims Commission;
- (4) Board of Examiners on Speech Pathology and Audiology;
- (5) Maine State Board for Licensure of Architects and Landscape Architects and Interior Designers;
- (6) State Board of Barbers;
- (7) State Board of Cosmetology;
- (8) Manufactured Housing Board;
- (9) State Board of Substance Abuse Counselors;

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- 2 (10) State Board of Licensure for Professional Foresters;
- 4 (11) State Board of Certification for Geologists and Soil Scientists;
- 6 (12) Board of Examiners in Physical Therapy;
- 8 (13) Oil and Solid Fuel Board;
- 10 (14) Plumbers' Examining Board;
- 12 (15) State Board of Funeral Service; and
- 14 (16) Board of Hearing Aid Dealers and Fitters.

16 **Sec. 2. 5 MRSA §12004-A, sub-§4**, as enacted by PL 1987, c. 18 786, §5, is amended to read:

20 4. Maine State \$35/Day 32 MRSA §211
22 Board for Licensure of
24 Architects and Landscape Architects and Interior
24 Designers

26 **Sec. 3. 10 MRSA §8001, sub-§32-A**, as repealed and replaced by
28 PL 1991, c. 548, Pt. B, §1, is amended to read:

30 **32-A. Maine State Board for Licensure of Architects,**
32 **Landscape Architects and Interior Designers.** Licensure of
32 Architects and Landscape Architects and Interior Designers,
32 Maine State Board for;

34 **Sec. 4. 32 MRSA c. 3-A, first 2 lines** are repealed and the
36 following enacted in their place:

38 CHAPTER 3-A

40 ARCHITECTS, LANDSCAPE ARCHITECTS
42 AND INTERIOR DESIGNERS

44 **Sec. 5. 32 MRSA §211, first ¶,** as amended by PL 1991, c. 396,
46 §3, is further amended to read:

48 The Maine State Board for Licensure of Architects and,
50 Landscape Architects and Interior Designers, established by Title
50 5, section 12004-A, subsection 4, referred to in this chapter as
50 the "board," shall administer this chapter. The board consists
50 of 9 11 members appointed by the Governor: Five must be licensed
50 and practicing architects, one of whom may be a professor of

2 architecture; 2 must be licensed and practicing landscape
3 architects; 2 must be certified and practicing interior designers
4 and 2 must be representatives of the public.

6 **Sec. 6. 32 MRSA §212**, as amended by PL 1991, c. 396, §5, is
7 further amended to read:

8 **§212. Qualifications for members**

10 Each member of the board must be a citizen of the United
11 States, a resident of this State and in the case of architect or
12 landscape architect or interior designer members must be
13 currently licensed or certified by the State and have engaged in
14 the independent practice of architecture or landscape
15 architecture or interior design in the State for at least 5 years
16 immediately prior to appointment. The member who may be a
17 professor of architecture in any a college or university of this
18 State shall must have combined experience in practice and
19 teaching of not less than 5 years, at least 2 of which must have
20 been in the active practice of architecture as a profession.

22 **Sec. 7. 32 MRSA §213**, as amended by PL 1987, c. 395, Pt. A,
23 §109, is further amended to read:

24 **§213. Meetings; chair; quorum**

26 The board shall meet at least once a year to conduct its
27 business and to elect its officers. Additional meetings shall
28 may be held as necessary to conduct the business of the board and
29 may be convened at the call of the ~~chairman~~ chair or a majority
30 of the board members.

32 The board shall annually elect a ~~chairman~~ chair and a
33 secretary. ~~Five~~ Seven members of the board shall constitute a
34 quorum for all purposes. ~~No~~ A license or certificate may not be
35 issued, except in an affirmative vote of at least ~~5~~ 7 members of
36 the board.

38 **Sec. 8. 32 MRSA §214, sub-§2**, as amended by PL 1987, c. 395,
39 Pt. A, §110, is further amended to read:

42 **2. Hearings.** Hearings may be conducted by the board to
43 assist with investigations, to determine whether grounds exist
44 for suspension, revocation or denial of a license, or certificate
45 or as otherwise deemed determined necessary to the fulfillment of
46 its responsibilities under this chapter.

48 The board shall may not refuse to renew a license or certificate
49 for any reason other than failure to pay a required fee, unless
50 it has afforded the licensee or certificate holder an opportunity

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for an adjudicatory hearing. The board shall hold an adjudicatory hearing at the written request of any a person who is denied a license or certificate without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the board within 30 days of the applicant's receipt of written notice of the denial of his the application, the reasons therefor for the denial and his the applicant's right to request a hearing. Hearings shall must be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The board may subpoena witnesses, records and documents in any hearing it conducts.

Sec. 9. 32 MRSA §216, as amended by PL 1991, c. 396, §8, is further amended to read:

§216. Records

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions. The board shall keep a register of all licensees and certificate holders, which must be available at cost to all persons.

Sec. 10. 32 MRSA §218, last ¶, as amended by PL 1987, c. 395, Pt. A, §114, is further amended to read:

The board may suspend or revoke a license or certificate pursuant to Title 5, section 10004. The board may refuse to renew or the Administrative Court may revoke, suspend or refuse to renew any license or certificate issued under this chapter if the holders of the license or certificate have violated any provision of this chapter or any rule or order of the board.

Sec. 11. 32 MRSA c. 3-A, sub-c. II, first 3 lines are repealed and the following enacted in their place:

SUBCHAPTER II

REGULATION OF ARCHITECTS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

Sec. 12. 32 MRSA §220-B is enacted to read:

§220-B. Use of the title "interior designer"; qualifications; grandfathering

1. Use of title. A person may not use the title "certified interior designer" unless certified under this chapter. This chapter does not prohibit a person from providing interior design services or from using the title "interior designer."

2 As used in this chapter, unless the context otherwise indicates,
4 the following terms have the following meanings.

6 A. "Certified interior designer" means an interior designer
8 who has been certified by the board in accordance with this
10 chapter.

12 B. "Interior designer" means an individual who provides or
14 offers to provide interior design services.

16 C. "Interior design services" means services that do not
18 require the services of a licensed architect or engineer and
20 that involve the preparation of working drawings, plans and
22 specifications relative to building elements that are not
24 necessary for the structural stability and mechanical and
26 electrical integrity of the construction.

28 2. Qualifications. The following are the qualifications
30 for certification as an interior designer.

32 A. Except as otherwise provided in this chapter, each
34 applicant for registration must provide to the board proof
36 of passage of the examination administered by the National
38 Council for Interior Design Qualification or its successor
40 organization or an equivalent examination as specified by
42 the board.

44 B. In addition to proof of passage of the examination, the
46 applicant must provide substantial evidence to the board
48 that the applicant:

50 (1) Is a graduate of a 5-year interior design program
from an accredited institution and has completed at
least one year of diversified and appropriate interior
design experience;

(2) Is a graduate of a 4-year interior design program
from an accredited institution and has completed at
least 2 years of diversified and appropriate interior
design experience;

(3) Has completed at least 3 years of an interior
design curriculum from an accredited institution and
has completed 3 years of diversified and appropriate
interior design experience; or

(4) Is a graduate of a 2-year interior design program
from an accredited institution and has completed 4
years of diversified and appropriate interior design
experience.

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3. Accreditation. All interior design programs must be accredited by the Foundation of Interior Design Education Research, or its successor organization, or be determined by the board to be substantially equivalent to the accredited program.

4. Grandfathering. A person who applies for certification and remits the application and appropriate fees within 1 1/2 years after the effective date of this section must be certified by the board without taking the written examination if:

A. The applicant has previously passed the examination of the National Council for Interior Design Qualification, or its successor organization, or an equivalent examination approved by the board; or

B. The applicant has satisfactory evidence of having used or been identified by the title "interior designer" and has a combination of interior design education and diversified and appropriate experience totaling 6 years; except that if the interior designer has one year or less of interior design education, then 2 years of interior design experience acceptable to the board may be substituted for each year of interior design education required. A person is considered to have used or been identified by the title "interior designer" if the person demonstrates to the satisfaction of the board that the person was either self-employed as an interior designer or, in the course of regular employment, rendered or offered to render to another person interior design services. In addition, the applicant must have passed the codes portion of the examination of the National Council for Interior Design Qualification, or its successor organization, or an equivalent examination approved by the board.

5. Repeal. Subsection 2, paragraph B, subparagraphs (3) and (4) are repealed 3 years after the effective date of this section.

Sec. 13. 32 MRSA §221, as amended by PL 1987, c. 395, Pt. A, §117, is further amended to read:

§221. Examinations

Examinations for licensure as an architect or landscape architect shall and for certification as a certified interior designer must be held by the board at least once each year, ~~provided that~~ if applications have been received during the time announced. The board shall make all necessary rules and regulations, in accordance with the Maine Administrative

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Procedure Act, Title 5, section 8051, et seq., governing the time, place and method of giving and grading examinations, shall publish appropriate announcements and shall conduct examinations at the time designated for all applicants who desire to be licensed as an "architect" or "landscape architect" or to be certified as a "certified interior designer" and to engage in performing the functions of an architect ~~or~~ landscape architect or certified interior designer. The board ~~shall have~~ has the power to provide a reasonable division into classes of the various applicants and the examination to be taken in each class. Examinations ~~shall~~ must consist of such technical and professional subjects and oral questioning as the board may from time to time prescribe. The rules for the manner in which examinations are conducted and the content of the examination ~~shall~~ must be adopted in accordance with the Maine Administrative ~~Procedures~~ Procedure Act, Title 5, section 8051, et seq.

Sec. 14. 32 MRSA §222, as amended by PL 1991, c. 396, §§12 to 16, is further amended to read:

§222. Fees

For the purpose of defraying the expenses of the board, and as required for carrying out this chapter, the following fees and penalties ~~shall~~ must be paid.

1. **Application for licensure and certification.** For an application for licensure and certification, an amount must be fixed by the board that is reasonable and necessary for its purpose.

2. **Examination fee.** For an examination fee, an amount ~~shall~~ must be fixed by the board ~~which~~ that is reasonable and necessary for its purpose.

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

5. **Renewal.** For the annual renewal of a license or certification, an amount must be fixed by the board that may not exceed \$100.

6. **Reissuance.** For the reissuance of a lapsed or suspended license or certification, an amount must be fixed by the board that may not exceed \$100.

All fees must accompany applications and no part of these fees may be refunded, except such parts as may be provided under

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the rules of the board to be refunded when no license or certification is issued. The board shall adopt a fee schedule and refund policy by rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, section 8051, et seq.

Sec. 15. 32 MRSA §§223-B, 224-A and 225-A are enacted to read:

§223-B. Certification by reciprocity

A certificate may be issued by the board without further examination requirements for an individual who provides proof of passage of the examination administered by the National Council for Interior Design Qualification, or its successor organization, or an equivalent exam as determined by the board or who is licensed or certified as an interior designer in another state if that state's requirements are substantially equivalent to those required for a certificate in the State.

§224-A. Certificate; expiration and renewal

1. Certificate. The board shall issue a certificate upon payment of the fee provided for in this chapter to an applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The certificate must identify the individual as a "certified interior designer," show the full name of the registrant and have a certification number.

The issuance of a certificate by the board is evidence that the person named in the certificate is entitled to all the rights and privileges of a certified interior designer while the certificate remains unrevoked or unexpired.

2. Expiration and renewal. Certificates expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed or on another date as the Commissioner of Professional and Financial Regulation determines. The board shall notify every person certified under this chapter of the date of the expiration of that person's certificate and the amount of the fee that is required for its renewal for a 2-year period, except that, when the applicant has become certified during the 2nd year of the 2-year period, the registration fee is for the remaining one year of that 2-year period. The notice must be mailed at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time after receipt of notice by the payment of a renewal fee established by the board. Certification may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. A person who submits an application for renewal

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

8 **§225-A. Certified signature**

10 1. Signature required. A drawing plan, specification or
11 report prepared or issued by a certified interior designer and
12 being filed for public record must bear the signature of the
13 interior designer who prepared or approved the document,
14 accompanied by a certification that the signer is certified under
15 this chapter, by the person's certification number and by the
16 date on which the signature was affixed.

18 2. Competency. A certified interior designer may not sign
19 a plan, specification, drawing or other document that depicts
20 work that the person is not competent or certified to perform.

22 3. Supervising control. A certified interior designer may
23 not affix a signature to a plan, specification or other document
24 that was not prepared by that person or under that person's
25 responsible supervising control or by another interior designer
26 and reviewed, approved or modified and adopted by the person as
27 that person's own work according to the rules adopted by the
28 board.

30 4. Document standards. Studies, drawings, specifications
31 and other related documents prepared by a certified interior
32 designer in providing interior design services must be of a
33 sufficiently high standard to clearly and accurately indicate all
34 essential parts of the work to which they refer.

36 **Sec. 16. 32 MRSA §226, sub-§1, ¶¶G and H, as enacted by PL**
37 **1991, c. 396, §21, are amended to read:**

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

44 H. Employees of those practicing lawfully as architects
45 under this chapter from acting under the instructions,
46 control or supervision of their employers; and

48 **Sec. 17. 32 MRSA §226, sub-§1, ¶I is enacted to read:**

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2 I. A person who is qualified under this chapter to use the
3 title "certified interior designer" from performing any
4 interior design services.

5 **Sec. 18. 32 MRSA §226, sub-§2, ¶C,** as amended by PL 1991, c.
6 874, §3, is further amended to read:

7 C. Alterations, renovations or remodeling of a building
8 when the cost of the work contemplated by the design does
9 not exceed 15% of the assessed value of the building or
10 \$50,000, whichever is the lesser, or does not require the
11 issuance of a permit under applicable building codes or when
12 the work involves those structures as provided in paragraphs
13 A, B, F, G and H or when the work involves interior design
14 services performed by a certified interior designer; and

15 **Sec. 19. Allocation.** The following funds are allocated from
16 Other Special Revenues to carry out the purposes of this Act.

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20 **1993-94**

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22 **PROFESSIONAL AND FINANCIAL**
23 **REGULATION, DEPARTMENT OF**

24
25 **Maine State Board for Licensure**
26 **of Architects, Landscape Architects**
27 **and Interior Designers**

28 All Other \$1,000
29
30 Provides an allocation for the additional
31 costs of regulating interior designers.

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33 **FISCAL NOTE**

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35
36 **1993-94**

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38 **APPROPRIATIONS/ALLOCATIONS**

39 Other Funds \$1,000

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41 **REVENUES**

42 Other Funds \$14,000

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44 The Maine State Board for Licensure of Architects, Landscape
45 Architects and Interior Designers will require an additional
46 other special revenue allocation of \$1,000 in fiscal year 1993-94
47 for additional operating costs relating to the regulation of
48 interior designers.

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The regulation of interior designers will increase certification fee collections. The estimated increase of dedicated revenues to the Board for Licensure of Architects, Landscape Architects and Interior Designers is \$14,000 in fiscal year 1993-94.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.

STATEMENT OF FACT

This is the majority report of the Joint Standing Committee on Business Legislation. Currently, interior designers must be licensed as architects to conduct certain aspects of their profession.

The bill exempts designers from requiring an architect's license, requires them to have certain qualifications in order to use the title registered interior designer and sets up a board to regulate the use of the title.

This amendment places the interior design profession under the Maine State Board for Licensure of Architects and Landscape Architects, adds 2 designers to that board and changes the name of the protected title to "certified interior designer."

The Joint Standing Committee on Business Legislation has held that the fact that certain aspects of designer practice are currently regulated by the Maine State Board for Licensure of Architects and Landscape Architects exempts this amendment from the requirements of the Maine Revised Statutes, Title 5, section 12015, which requires a committee to provide justification to the Legislature when the scope of functions or practices regulated by a professional licensing board is substantially expanded.

Reported by the Majority for the Committee on Business Legislation
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/2/93) (Filing No. S-265)

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