

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1459

S.P. 467

In Senate, May 6, 1993

An Act to Register the Use of the Title of Registered Interior Designer.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Senators: BUSTIN of Kennebec, SUMMERS of Cumberland, Representative:
HILLOCK of Gorham.

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

2
4 Sec. 1. 5 MRSA §12004-A, sub-§20-A is enacted to read:

6 20-A. State Board Expenses 32 MRSA
of Registration for Only §14331
8 Interior Designers

10 Sec. 2. 32 MRSA §226, sub-§1, ¶¶G and H, as enacted by PL
1991, c. 396, §21, are amended to read:

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

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

22 Sec. 3. 32 MRSA §226, sub-§1, ¶I is enacted to read:

24 I. Any person who is qualified under this chapter 128 to
use the title "registered interior designer" from performing
any interior design services as defined in section 14322,
subsection 3. These services include, but are not limited
to, the preparation of working drawings, plans and
specifications relative to nonload-bearing interior
construction, space planning, furnishings, fixtures and
equipment.

30
32 Sec. 4. 32 MRSA c. 129 is enacted to read:

34 CHAPTER 129

36 INTERIOR DESIGNERS

38 SUBCHAPTER I

40 GENERAL PROVISIONS

42 §14321. Definitions

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

2 1. Board. "Board" means the State Board of Registration
3 for Interior Designers.

4 2. Interior designer. "Interior designer" means an
5 individual who provides or offers to provide interior design
6 services.

8 3. Interior design services. "Interior design services"
9 means services including, but not limited to, the preparation of
10 working drawings, plans and specifications relative to
11 nonload-bearing interior construction, furnishings, space
12 planning, fixtures and equipment.

14 4. Registered interior designer. "Registered interior
15 designer" means an interior designer who has been duly
16 registered with the board in accordance with the provisions of
17 this chapter.

18 **§14322. Exemptions**

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

26 2. Architects. This chapter does not apply to licensed
27 architects registered under applicable state laws unless the
28 architects refer to themselves as "registered interior
29 designers," in which case such architects must be registered
30 under this chapter.

32 **SUBCHAPTER II**

34 **REGISTRATION OF INTERIOR DESIGNERS**

36 **§14323. Qualifications for registration of interior designers**

38 1. Passage of examination. Each applicant for registration
39 shall apply to the board. Except as otherwise provided in this
40 chapter, each applicant must provide proof of passage of the
41 examination administered by the National Council for Interior
42 Design Qualifications or its successor organization, or an
43 equivalent examination as specified by the board.

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

48 A. Is a graduate of a 5-year interior design program from
49 an accredited institution and has completed at least one
50 year of diversified and appropriate interior design
51 experience;
52

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

5 C. Has completed at least 3 years of an interior design
6 curriculum from an accredited institution and has completed
7 3 years of diversified and appropriate interior design
8 experience; or

9 D. Is a graduate of a 2-year interior design program from
10 an accredited institution and has completed 4 years of
11 diversified and appropriate interior design experience.

12 3. Accreditation. All interior design programs must be
13 accredited by the Foundation of Interior Design Education
14 Research, or its successor organization, or be a program
15 determined by the board to be substantially equivalent to such
16 accredited program. Five years after the effective date of this
17 chapter, subsection 2, paragraphs C and D are repealed.

18 **§14324. Grandfathering**

19 Any person who applies for registration and remits the
20 application and appropriate fees within 1 1/2 years after the
21 effective date of this section must be registered by the board
22 without taking the written examination if:

23 1. Prior examination. The applicant has previously passed
24 the examination of the National Council for Interior Design
25 Qualification, or its successor organization, or an equivalent
26 examination approved by the board; or

27 2. Experience. The applicant has satisfactory evidence of
28 having used or been identified by the title "interior designer"
29 and has a combination of interior design education and
30 diversified and appropriate experience totaling 6 years; except,
31 however, that if such interior designer has one year or less of
32 interior design education, then 2 years of interior design
33 experience acceptable to the board may be substituted for each
34 year of interior design education required. A person is deemed
35 to have used or been identified by the title "interior designer"
36 if the person demonstrates to the satisfaction of the board that
37 the person was either self-employed or, in the course of regular
38 employment, rendering or offering to render to another person
39 interior design services.

40 **§14325. Application; fees**

41 Application for registration as a registered interior
42 designer must be on a form prescribed and furnished by the board.

2 For the purpose of defraying all expenses of the board, and
3 as required for carrying out this chapter, the following fees and
4 penalties must be paid.

5 1. Application fee for registration. For an application
6 for registration, the board shall fix an amount that is
7 reasonable and necessary for its purpose.

8 2. Registration fee. For the certification of registration
9 for a resident or nonresident, the board shall fix an amount that
10 may not exceed \$250.

11 3. Renewal. For the biennial renewal of a certificate of
12 registration, the board shall fix an amount that may not exceed
13 \$150.

14 4. Reissuance. For the reissuance of a lapsed or suspended
15 certificate of registration, the board shall fix an amount that
16 may not exceed \$150.

17 All appropriate fees must accompany applications and no part
18 of these fees may be refunded except such parts as may be
19 provided under the rules of the board when no certificate is
20 issued. The board shall adopt a fee schedule and refund policy
21 by rules adopted in accordance with the Maine Administrative
22 Procedure Act.

23 §14326. Certificates

24 The board shall issue a certificate of registration upon
25 payment of a registration fee, as provided for in this chapter,
26 to any applicant who, in the opinion of the board, has
27 satisfactorily met all the requirements of this chapter. The
28 certificate must register the individual as a "registered
29 interior designer." Certificates of registration must show the
30 full name of the registrant, have a registration number and be
31 signed by the chair and the secretary of the board.

32 The issuance of a certificate of registration by the board
33 is evidence that the person named therein is entitled to all the
34 rights and privileges of a registered interior designer while the
35 certificate remains unrevoked or unexpired.

36 §14327. Revocation and reissuance

37 The board may suspend or revoke the registration of a
38 registered interior designer pursuant to Title 5, section 10004.
39 The board may refuse to issue or renew, or the Administrative
40 Court, pursuant to Title 4, chapter 25, may revoke, suspend or
41 refuse to renew the registration of a registered interior
42 designer who is found guilty of:

2 1. Fraud or deceit. The practice of any fraud or deceit in
obtaining a certificate of registration as a registered interior
designer;

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6 2. Negligence or misconduct. Any gross negligence,
incompetency or misconduct in the practice of interior design as
a registered interior designer; or

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10 3. Violations. Violating any provision of this chapter or
any rule of the board.

12 A person may register a complaint of fraud, deceit, gross
negligence, incompetency or misconduct against a registered
14 interior designer. These complaints must be in writing, sworn to
by the person making them and filed with the secretary of the
16 board.

18 The board, for reasons it determines sufficient, may reissue
a certificate of registration as an interior designer to a person
20 whose certificate has been revoked, provided that 4 or more
members of the board vote in favor of that reissuance. A new
22 certificate of registration as an interior designer, to replace
any certificate revoked, lost, destroyed or mutilated, may be
24 issued, subject to the rules of the board, and a charge, as
determined by the board, may be made for that issuance.

26 **§14328. Expiration and renewal**

28 Certificates of registration expire on the last day of
December of odd-numbered years following their issuance or
30 renewal and become invalid on that date unless renewed. It is
the duty of the secretary of the board to notify every person
32 registered under this chapter of the date of the expiration of
that person's certificate and the amount of the fee that is
34 required for its renewal for a 2-year period, except when the
applicant has become registered during the 2nd year of the 2-year
36 period, then the registration fee is for the remaining one year
of that 2-year period. The notice must be mailed at least one
38 month in advance of the date of the expiration of the
certificate. Renewal may be effected at any time after receipt
40 of notice by the payment of a renewal fee established by the
board. Registration may be renewed up to 90 days after the date
42 of expiration upon payment of a late fee of \$10 in addition to
the renewal fee. Any person who submits an application for
44 renewal more than 90 days after the registration renewal date is
subject to all requirements governing new applicants under this
46 chapter, except that the board may, in its discretion, giving due
48 consideration to the protection of the public, waive examination
if the renewal application is made within 3 years from the date
50 of the expiration.

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§14329. Certified signature

1. Signature required. Any drawing plan, specification, or report prepared or issued by a registered interior designer and being filed for public record must bear the signature of the interior designer who prepared or approved the document, accompanied by a certification that the signer is registered under this chapter, by the person's registration number and by the date on which the signature was affixed.

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

3. Supervising control. A registered interior designer may not affix a signature to any plan, specifications or other document that was not prepared by that person or under that person's responsible supervising control or by another interior designer and reviewed, approved or modified and adopted by the person as that person's own work according to the rules adopted by the board.

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

§14330. Reciprocity

The board may waive any further examination requirements for an individual who provides proof of passage of the examination administered by the National Council for Interior Design Qualifications, or its successor organization, or an equivalent exam as determined by the board, or who is registered as an interior designer in another state, providing that state's requirements for registration are substantially equivalent to those required for a certificate of registration in the State of Maine.

SUBCHAPTER III

BOARD OF REGISTRATION

§14331. Appointment; terms

The State Board of Registration for Interior Designers, as established by Title 5, Section 12004-A, subsection 20-A, shall administer this chapter.

2 1. Membership. The board consists of 5 members appointed
4 by the Governor, 4 members of whom must have been interior
6 designers for a period of 5 years or more and would qualify upon
8 application to the board under this chapter to be registered
interior designers. One member must be a representative of the
public. The membership of the board must reasonably reflect
representation from the various geographic areas of the State.

10 2. Terms. Terms for all members are 3 years. Of the
12 initial appointments, 2 members must be appointed to serve for
14 one year, 2 must be appointed to serve for 2 years, and the
16 remaining member must be appointed to serve for 3 years. Members
18 serve until their successors are appointed and qualified.
Initial terms begin upon the date of appointment by the
Governor. Partial terms over 2 years in length are considered
full terms. A member may be reappointed for a successive term,
but a member may not serve more than two successive full terms.

20 **§14332. Qualifications**

22 A member of the board must be a citizen of the United States
24 and a resident of this State. After the initial appointments,
the interior designer members must be registered interior
designers.

26 **§14333. Compensation**

28 Members of the board are entitled to compensation according
30 to the provisions of Title 5, chapter 379.

32 **§14334. Removal; vacancies**

34 The Governor may remove any member of the board for cause.
Vacancies in the membership of the board must be filled for the
36 unexpired term by appointment by the Governor in accordance with
section 14332.

38 **§14335. Organization and meetings**

40 The board shall meet at least once a year to conduct its
42 business and to elect its officers. Additional meetings must be
held as necessary to conduct the business of the board, and may
44 be convened at the call of the chairman or a majority of the
board members.

46 The board shall elect or appoint annually a chair, a
48 vice-chair and a secretary. A quorum of the board consists of
not less than 3 members and decisions must be made by a majority
50 of those members present at the meeting. The board may adopt and
have an official seal.

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3 **§14336. Powers and duties**

4 The board has the following powers and duties, in addition
5 to those otherwise set forth in this chapter.

6 1. Registration, enforcement. The board shall evaluate the
7 qualifications and supervise the examination of applicants for
8 registration under this chapter, and shall investigate or cause
9 to be investigated all complaints made to it and all cases of
10 noncompliance with this chapter.

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12 2. Rules. The board may, in accordance with procedures
13 established by the Maine Administrative Procedure Act, adopt such
14 rules as may be reasonably necessary for the proper performance
15 of its duties and the administration of this chapter.

16
17 3. Hearings. Hearings may be conducted by the board to
18 assist with investigations to determine whether grounds exist for
19 suspension, revocation or denial of registration, or as otherwise
20 determined necessary to the fulfillment of its responsibilities
21 under this chapter.

22
23 The board may not refuse to renew a certificate of registration
24 for any reason other than failure to pay a required fee, unless
25 it has afforded the applicant an opportunity for an adjudicatory
26 hearing. The board shall hold an adjudicatory hearing at the
27 written request of a person who is denied a certificate of
28 registration without a hearing for any reason other than failure
29 to pay a required fee, if the request for hearing is received by
30 the board within 30 days of the applicant's receipt of written
31 notice of the denial of the application, the reasons for denial
32 and the applicant's right to request a hearing. Hearings must be
33 conducted in conformity with Title 5, chapter 375, subchapter IV,
34 to the extent applicable. The board may subpoena witnesses,
35 records and documents in any hearing it conducts.

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37 4. Contracts. The board may enter into contracts to carry
38 out its responsibilities under this chapter.

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40 **§14337. Receipts and disbursements**

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42 The secretary of the board shall receive and account for all
43 money derived under this chapter and shall pay the same, as
44 provided by law, to the Treasurer of State, who shall keep such
45 money in a separate fund to be known as the "Registered Interior
46 Designers' Fund." The board may make expenditures from this
47 fund, upon itemized vouchers approved by the chair of the board,
48 that in the opinion of the board are reasonably necessary for the
49 proper performance of its duties under this chapter and for
50 promoting interior design education and standards in the State.

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§14338. Records and reports; role of commissioner

1. Records. The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions.

2. Report. Not later than August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to the commissioner a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair and secretary.

3. Commissioner as liaison. The Commissioner of Professional and Financial Regulation shall act as liaison between the board and the Governor.

4. Authority of commissioner. The Commissioner of Professional and Financial Regulation may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted to the board under this chapter. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours, to maintain copies of all application materials with the Department of Professional and Financial Regulation and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter.

5. Budget. The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665.

§14339. Roster of registered interior designers

A roster showing the names and places of business of all registered interior designers must be prepared by the secretary of the board during the first calendar quarter of each even-numbered year. Copies of the roster must be mailed to each registered interior designer listed on the roster and furnished to the public upon request for such fees as the board may authorize in its rules.

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STATEMENT OF FACT

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This bill provides for the registration of interior designers. Interior designers provide design services which are nonstructural in nature. These services include the preparation of working drawings, plans and specifications relative to nonload-bearing interior construction, furnishings, space planning, fixtures and equipment.

2 Current law presently restricts interior designers from
performing certain aspects of their profession. This bill is an
4 effort to expand the areas in which interior designers may offer
their services.

6 This bill also provides for the creation of a State Board of
Registration for Interior Designers to administer and enforce the
8 registration of interior designers.