

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



STATE LAW LIBRARY  
AUGUSTA, MAINE

# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

---

Legislative Document

No. 1787

H.P. 1249

House of Representatives, March 29, 2007

### An Act To Amend the Licensing of Landscape Architects

---

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SMITH of Monmouth.  
Cosponsored by Representatives: BEAUDETTE of Biddeford, BEAULIEU of Auburn,  
BERRY of Bowdoinham, MacDONALD of Boothbay, PRESCOTT of Topsham, SILSBY of  
Augusta, WEBSTER of Freeport, Senator: SCHNEIDER of Penobscot.

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

2 **Sec. 1. 32 MRSA §220, sub-§2**, as amended by PL 1991, c. 824, Pt. A, §64, is  
3 repealed and the following enacted in its place:

4 **2. Landscape architects.** Landscape architects are subject to the provisions of this  
5 section.

6 A. A person may not practice landscape architecture or profess to practice landscape  
7 architecture or use the title or profess to be a "landscape architect" or "licensed  
8 landscape architect" or display or use any words, letters, figures, titles, signs, cards,  
9 advertisements or other symbols or devices indicating or tending to indicate that the  
10 person is a landscape architect or is practicing landscape architecture, nor may a  
11 person sign technical submissions unless that person is duly licensed by the board.

12 As used in this chapter, the practice of landscape architecture consists of rendering or  
13 offering to render services to clients by consultations and technical submissions for  
14 the purposes of landscape preservation, development and enhancement for properties  
15 open to and accessible by the general public where such services affect public safety,  
16 including projects involving site vehicular access and circulation ways, multi-vehicle  
17 parking areas, grading and drainage of such ways and areas and site grading that  
18 results in drainage flows that exceed previously existing drainage capacity. These  
19 services must apply artistic and scientific principals to the research, planning, design  
20 and management of both natural and built environments. These services may include  
21 but are not limited to the following activities:

22 (1) Investigation, selection and allocation of land and water resources for  
23 appropriate use;

24 (2) Formulation of graphic and written criteria to govern the planning, design  
25 and management of landscape construction programs;

26 (3) Preparation, review and analysis of feasibility studies, visual impact  
27 assessments and master plans for land use and development;

28 (4) Production of contract documents for landscape construction, which may  
29 include existing conditions plans, demolition plans, site improvements plans,  
30 layout plans, grading and drainage plans, lighting plans, irrigation plans, planting  
31 plans, construction detail plans and specifications;

32 (5) Cost estimates for landscape construction;

33 (6) Field observation and inspection of landscape construction;

34 (7) Reclamation or rehabilitation of disturbed and historic landscapes;

35 (8) Determination of location and siting of improvements, including buildings  
36 and other features, as well as the access to and environs for those improvements;  
37 and

38 (9) Design of land forms, soil and water conservation methods, site lighting,  
39 water features, irrigation systems, plantings, pedestrian and site vehicular  
40 circulation systems and related construction details.

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

4 The practice of landscape architecture does not include the practice of architecture as  
5 defined in this chapter. A licensed landscape architect may do such architectural  
6 work as is incidental to the landscape architect's work.

7 A person licensed as a landscape architect pursuant to this subsection is entitled to  
8 practice within the scope of that person's knowledge, skill and abilities. This  
9 subsection may not be construed to affect or prevent the practice of any other legally  
10 recognized profession

11 B. A landscape architect must meet the qualifications established in this paragraph.

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

14 (a) The applicant has completed a course of study in a school or college of  
15 landscape architecture approved by the board, with graduation evidenced by  
16 a diploma setting forth a satisfactory degree and 2 years of practical  
17 experience in landscape architectural work of a grade and character  
18 satisfactory to the board; or

19 (b) The applicant has training or practical experience, or a combination of  
20 both, that in the opinion of the board is fully equivalent to that required in  
21 division (a).

22 (2) An applicant for licensure as a landscape architect in this State who has a  
23 current and valid license from another jurisdiction and a certificate from a  
24 recognized council of landscape architecture registration boards may offer to  
25 render landscape architectural services in the State prior to licensure by the board  
26 as long as the applicant first notifies the board in writing that the applicant will be  
27 present in the State to offer to render landscape architectural services. The  
28 applicant may not render landscape architectural services until duly licensed by  
29 the board.

30 (3) An applicant for renewal of a license issued pursuant to this section shall  
31 submit evidence that the applicant meets the qualifications established by the  
32 board.

33 C. Corporations and partnerships are subject to the provisions of this paragraph.

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

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

40 (b) At least 1/3 of the directors or partners of the corporation or partnership  
41 are licensed under the laws of any state to practice engineering, architecture  
42 or landscape architecture. If the total number of directors or partners is not

1           divisible by 3, the number of directors or partners required to satisfy this  
2           requirement is determined by dividing the total number of directors or  
3           partners by 3 and rounding to the nearest whole number.

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

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

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

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

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

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

21                   (b) The corporation or partnership provides written disclosure at the time of  
22                   the offering that the landscape architect is engaged by and responsible  
23                   contractually to the corporation or partnership; and

24                   (c) The corporation or partnership provides written notice to any person who  
25                   engages the corporation or partnership to receive the landscape architectural  
26                   services offered, prior to termination of the landscape architect involved in  
27                   the offering.

28           **Sec. 2. 32 MRSA §226, sub-§1, ¶F**, as enacted by PL 1991, c. 396, §21, is  
29           amended to read:

30                   F. Officers or employees of the Federal Government or State Government ~~using the~~  
31                   ~~title "transportation landscape architect"~~ engaged in the practice of landscape  
32                   architecture in connection with their governmental employment;

33           **Sec. 3. 32 MRSA §226, sub-§1, ¶H**, as amended by PL 1993, c. 389, §16, is  
34           further amended to read:

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

38           **Sec. 4. Effective date.** This Act takes effect January 1, 2009.

1 **SUMMARY**

2 This bill amends the licensing requirements and qualifications for landscape  
3 architects. This bill limits the scope of the practice of licensed landscape architecture to  
4 services provided for the purposes of landscape preservation, development and  
5 enhancement to properties that are open to and accessible by the public and affect public  
6 safety, such as site vehicular access and circulation, multi-vehicle parking areas and site  
7 grading that affects existing drainage capacity projects.

8 The changes made by this bill take effect January 1, 2009.