

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1598

H.P. 1088

House of Representatives, February 23, 2016

An Act To Amend Procedures for the Licensing of Architects and Foresters

(EMERGENCY)

Reported by Representative HERBIG of Belfast for the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** current law does not allow applicants for licensure as architects in Maine
4 to apply for a license before completing 3 years of practical experience; and

5 **Whereas,** most other states have less stringent licensure requirements for architects;
6 and

7 **Whereas,** current law discourages potential applicants for licensure as architects
8 from becoming licensed in Maine; and

9 **Whereas,** Maine is currently losing well-qualified candidates for licensure to states
10 with less stringent licensure requirements and this issue should be addressed as soon as
11 possible; and

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

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

17 **Sec. 1. 32 MRSA §220, sub-§1, ¶B,** as amended by PL 2007, c. 402, Pt. F, §11,
18 is further amended to read:

19 B. ~~Qualifications~~ An architect must meet the qualifications established in this
20 paragraph.

21 (1) ~~To~~ Except as otherwise provided in this chapter, to be qualified for admission
22 to the examination a license to practice architecture in this State an applicant
23 must submit evidence to the board that the applicant has passed an examination
24 administered by a national council of architectural registration boards or an
25 equivalent examination specified by board rule and:

26 (a) The applicant has completed a course of study in a school or college of
27 architecture approved by the board, with graduation evidenced by a diploma
28 setting forth a satisfactory degree, and ~~3 years of~~ practical experience under
29 the supervision of an experienced architect or architects engaged in the
30 practice of architecture as a profession as prescribed by the board by rule; or

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

34 (2) An applicant for licensure as an architect in this State who has a current and
35 valid license from another jurisdiction and a certificate from ~~the National Council~~
36 ~~of Architectural Registration Boards or its successor~~ a national council of
37 architectural registration boards or other organization approved by the board may
38 offer to render architectural services in this State prior to licensure by the board if

1 the applicant first notifies the board in writing that the applicant will be present in
2 this State to offer to render architectural services. The applicant may not render
3 architectural services until duly licensed by the board.

4 **Sec. 2. 32 MRSA §5515, sub-§6**, as amended by PL 2013, c. 527, §5 and
5 affected by §9, is further amended to read:

6 **6. Examination.** Each applicant for a forester license shall ~~submit an application~~
7 ~~and examination fee as set under section 5507 and~~ successfully pass an examination
8 approved by the board designed to test an individual's knowledge to engage in the
9 practice of forestry. An applicant with an associate degree or higher from a program that
10 has a curriculum in forestry from a school or college approved by the board is required to
11 pass only the examination section that tests the applicant's knowledge of the State's
12 forestry laws, rules and practices. Applicants must meet all other qualifications for
13 licensure prior to taking the examination except that an applicant with a degree in forestry
14 from a school or college approved by the board pursuant to rules adopted by the board
15 may take the examination prior to meeting all of the qualifications for licensure.

16 **Emergency clause.** In view of the emergency cited in the preamble, this
17 legislation takes effect when approved.

18 SUMMARY

19 This bill is reported out by the Joint Standing Committee on Labor, Commerce,
20 Research and Economic Development pursuant to the Maine Revised Statutes, Title 3,
21 section 955. The bill authorizes the Maine State Board for Licensure of Architects,
22 Landscape Architects and Interior Designers to specify, by rule, the required amount of
23 practical experience under the supervision of an experienced architect or architects that an
24 applicant for licensure as an architect must complete before obtaining a license. The bill
25 also removes the requirement that candidates for a forester license submit applications
26 and examination fees to the Board of Licensure of Foresters; in current practice,
27 candidates submit their applications and examination fees to a board-approved testing
28 company rather than directly to the board.

29 The Joint Standing Committee on Labor, Commerce, Research and Economic
30 Development has not taken a position on the substance of this bill and by reporting this
31 bill out the committee is not suggesting and does not intend to suggest that it agrees or
32 disagrees with any aspect of this bill. The committee is reporting the bill out for the sole
33 purpose of turning the Department of Professional and Financial Regulation's proposal
34 into a printed bill that can be referred to the committee for an appropriate public hearing
35 and subsequent processing in the normal course. The committee is taking this action to
36 ensure clarity and transparency in the legislative review of the department's proposal.