

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 680

H. P. 1534

House of Representatives, February 16, 1937.

Referred to Committee on Legal Affairs. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Wilkes of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Regulate the Practice of Architecture and to Provide for the Examination and Registration of Architects.

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

Sec. 1. Definitions. The following words, as used in the following sections, unless the context otherwise requires, shall have the following meanings:

“Architect”, any person who engages in the practice of architecture as hereinafter defined;

“Board”, the board of registration of architects, established by the provisions of this act;

“Certificate of registration”, certificate of registration or certificate of annual registration, issued by the board;

“Practice of architecture”, performing or holding oneself out as being able to perform, any professional service such as consultation, investigation, evaluation, planning, design, including aesthetic and structural design, or responsible supervision of construction, in connection with any private or public building structure or project, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the ap-

plication of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences.

Sec. 2. Creation of state board of examiners and registration of architects. A state board of examiners and registration of architects for professional architects is hereby created whose duty it shall be to administer the provisions of this act, the members of which and their successors shall be appointed by the governor, with the advice and consent of the council, to hold office for the term of 3 years.

Sec. 3. Qualifications of members. The members of the first board shall be appointed within 30 days after this act becomes effective. The board shall be composed of 3 architects, each of whom has been engaged in the active practice of architecture within the state of Maine for a period of not less than 10 years, and, except in case of members originally appointed to the board, shall be a registered architect. Every member of the board shall receive a certificate of his appointment from the governor before beginning his term of office and shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duty. Each member of the board first appointed hereunder shall receive a certificate of registration under this act from said board.

On the expiration of the term of any member of the board or in event of a vacancy on said board, the governor shall in the manner hereinbefore provided appoint a registered professional architect having the qualifications required by this act, to take the place of the member whose term on said board has expired or to fill such vacancy that may occur on said board. Each member of the board shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

Sec. 4. Compensation and expenses of board members. No member of the board, except as provided in this act, shall receive any compensation for his services as a member of the board, but shall be reimbursed for all actual traveling and incidental expenses necessarily incurred in carrying out the provisions of this act. No clerical expenses shall be allowed any member of the board except as provided in this act.

Sec. 5. Removal of members of board. The governor by and with the consent of the council may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause.

Sec. 6. Organization and meetings of the board. The board of examiners and registration of architects shall hold a meeting within 30 days

after its members are first appointed and thereafter shall hold at least 2 regular meetings each year. It shall elect from its membership a secretary who shall also act as chairman of said board. The said board shall adopt all necessary rules, regulations, and by-laws, not inconsistent with the terms and provisions of this act. The board shall adopt and have an official seal. In carrying into effect the provisions of this act, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the superior court, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such court and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the court. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court.

Sec. 7. Receipts and disbursements. The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the treasurer of state, who shall keep such moneys in a separate fund to be known as the "professional architects' fund". Such fund shall be kept separate and apart from all other moneys in the treasury and shall be continued from year to year and shall be paid out only by warrant of the state controller upon itemized vouchers, approved by the chairman of the board. All moneys in the "professional architects' fund" are hereby specifically appropriated for the use of the board. The secretary of the board shall give a surety bond to this state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "professional architects' fund". The secretary of the board shall receive a salary and allowance for clerical hire as recommended by the board and approved by the state controller in addition to the expenses provided for in this act. The board may make other expenditures from this fund which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act. Under no circumstances shall the total amount of warrants issued by the state controller in payment of the expenses and compensations provided for in this act exceed

the amount of the examination, registration and renewal fees collected as herein provided.

Sec. 8. Records and reports. The board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the board; and (i) such other information as may be deemed necessary by the board.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Not later than August 1st of each year, the board shall submit to the governor a report of its transactions of the preceding fiscal year ending June 30 and shall also transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

Sec. 9. Roster of registered architects. A roster showing the names and places of business of all registered professional architects shall be prepared by the secretary of the board during the month of January of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the secretary of state and the clerk of courts of each county, and furnished to the public upon request.

Sec. 10. General requirements for registration. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional or registered architect, to wit:

a. A diploma of graduation from an approved course in architecture approved by The American Institute of Architects or in a school or college approved by the board as of satisfactory standing or to any other person not a graduate of such school or college upon satisfactory evidence that the applicant has studied architecture for at least 3 years in the office or offices of a duly registered architect or architects within the state of Maine.

b. Successfully passing a written, or written and oral, examination designed to show knowledge and skill so as to be enabled to carry on the practice of architecture as defined by the provisions of this act.

No person shall be eligible for registration as a professional architect who in the opinion of the board is not of good character and reputation.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration though he may not be practicing his profession at the time of making his application, but any person wishing to practice architecture in this state under the title of "architect," shall, before being entitled to be or known as an architect, secure from such board a certificate of registration to practice under the title of registered architect or professional architect, as provided by this act.

Sec. 11. Applications and registration fees. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work and shall contain not less than 5 references, of whom 3 or more shall be architects having personal knowledge of his architectural experience.

The registration fee for professional architects shall be \$25, \$10 of which shall accompany application, the remaining \$15 to be paid upon issuance of certificate of registration.

Should the board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

Sec. 12. Examinations. When oral or written examinations are required they shall be held at such time and place as the board shall determine, except that, upon written request by an applicant, a special examination shall be held within 90 days after receipt of such request by the board. The scope of the examination and the methods of procedure shall be prescribed by the board for the purpose of determining the qualifications of applicants for registration as registered architects under this act. A notification of the result of the examination shall be mailed to each candidate within 30 days after taking such examination. A candidate failing on examination may apply for re-examination at the expiration of 6 months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the board.

Sec. 13. Certificates; seals. The board shall issue a certificate of registration upon payment of registration fee as provided for in this act, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this act. The certificate shall authorize the practice of "registered architect." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the secretary of the board under seal of the board.

The issuance of a certificate of registration by this board shall be evidence that the person named herein is entitled to all the rights and privileges of a registered professional architect, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder upon registration may obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered architect." Plans, specifications, plats, and reports issued by a registrant shall be stamped with the said seal, as prescribed in the rules of the board, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

Sec. 14. Expiration and renewals. Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed, provided, however, that certificates of registration issued during the calendar year of 1937 shall not expire until the last day of December, 1938. It shall be the duty of the secretary of the board to notify every person registered under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for 1 year; such notice shall be mailed at least 1 day in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee designated by the board but which shall not exceed \$3 nor be less than \$1. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased 10% for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Sec. 15. Practitioners at time act became effective. At any time within 1 year after this act becomes effective, upon due application therefor and the payment of the registration fee of \$10 the board shall issue, without oral or written examination, requirements as specified under section 10 to any architect who shall submit evidence under oath satisfactory to the board that he is of good character, has been a resident of the state of Maine for at least 1 year immediately preceding the date of his application, and has had practical professional experience, for at least 4 years, provided however, that if the applicant has performed work of a character

satisfactory to the board the board may waive the foregoing requirements as to period of practice.

After this act shall have been in effect 1 year, the board shall issue certificates of registration only as provided for in section 10 or section 13 thereof, except those who can qualify under the provisions set out in this section at the time this law becomes operative.

Sec. 16. Firms, partnerships, corporation and joint stock association. A firm, or a co-partnership, or a corporation, or a joint stock association may engage in the practice of architecture in this state, provided only such practice is carried on by registered architects duly registered in this state in accordance with the provisions of this act.

Sec. 17. Exemptions. The following persons shall be exempt from the provisions of this act, to wit:

(a) A person not a resident of and having no established place of business in this state, practicing or offering to practice herein the profession of architecture when such practice does not exceed in the aggregate more than 30 days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act.

(b) A person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year the profession of engineering, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this act. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration; provided, that such a person is legally qualified to practice said profession in his own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act.

(c) An employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person exempted from registration by classes (a) and (b) of this section.

(d) Officers and employees of the government of the United States while engaged within this state in the practice of the profession of architecture for said government.

Sec. 18. Reciprocity. The board may exempt or waive examination upon application for registration and the payment of a fee of \$25 issue a

certificate of registration as a registered architect to any person who holds a license or certificate to practice architecture issued to him, after examination by a legally constituted board of registration of architects, or body having similar powers, of any other state or political subdivision of the United States; provided, that the requirements for such license or certificate at the time it was issued were fully equivalent to the requirements for registration in this state; and provided, further, that the applicant's record fully complies with the requirements of the sections of this act in all respects other than examination.

Any person who has lawfully practiced architecture outside the state of Maine for a period of more than 10 years may be registered by the board upon payment of the fee prescribed in this act and upon passing a practical examination, the character of which shall be determined by the board; provided, that the board may accept, in lieu of such examination, a certificate of qualification issued by the national council of architectural registration boards.

Sec. 19. Revocations and re-issuances of certificates. The board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of architecture as a registered architect.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least 30 days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, a majority of the members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered architect.

The board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, providing a majority of the members of the board vote in favor of such re-issuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board, and a charge of \$3 shall be made for such issuance.

Sec. 20. Violations and penalties. Any person who shall practice, or offer to practice, within the state the profession of architecture or attempts to use the title "architect," "professional architect" or "registered architect" without being registered or exempted in accordance with the provisions of this act, or any persons presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall attempt to use an unexpired or revoked certificate of registration or any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 3 months or by both such fine and imprisonment.

Sec. 21. Saving clause. This act shall not be construed to affect or prevent the practice of any other legally recognized profession.

Sec. 22. Invalid sections. If any section or parts of sections of this act shall be declared unconstitutional or invalid, this shall not invalidate any other portion of this act.

Sec. 23. Repeal of conflicting legislation. All laws or parts of laws in conflict with the provisions of this act shall be, and the same are hereby repealed, or amended to conform herewith.