

MAINE STATE LEGISLATURE

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SENATE AMENDMENT B

N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1112

In Senate, April 3, 1945.

Tabled by Senator Boucher of Androscoggin pending adoption and ordered printed.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

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

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

Sec. 1. R. S., c. 73-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 73-A, to read as follows:

'Chapter 73-A.

Maine State Board of Architects.

Sec. 1. The board. A state board of registration for architects is hereby created whose duty it shall be to administer the provisions of this chapter and shall hereinafter be called the "board" and may be cited as the "Maine State Board of Architects."

The board shall be composed of 3 practicing architects, or of 2 practicing architects and 1 professor of architecture, who shall be appointed by the governor by and with the consent of the council, to serve for the following terms: one for 1 year, one for 2 years, and one for 3 years and until their successors are duly appointed and qualified. Thereafter each year all appointments shall be for 3 years and until a successor has been appointed and qualified.

Each member of the board shall receive a certificate of his appointment from the governor and shall serve without pay. Each member of the board first appointed hereunder shall receive a certificate of registration under the provisions of this chapter from said board.

Membership on the board shall not be a cause for prohibiting an architect from serving the state in his professional capacity on any state work nor from receiving compensation therefor.

Sec. 2. Qualifications for members of board. Each member of the board shall be a citizen of the United States, a resident of this state, and an architect of recognized standing who shall have been engaged in the independent practice of architecture for at least 10 years previous to his appointment, with the exception of one member who may be the head of a department of architecture in any college, or university of this state and whose combined experience in practice and teaching shall not be less than 10 years — at least 2 of which shall have been in the active practice of architecture as a profession.

Sec. 3. Organization; meetings; quorum; seal. The board shall meet for organization within 30 days after appointment and thereafter shall hold at least 2 meetings each year for the purpose of examining candidates for registration. Special meetings shall be held at such times as the regularly adopted rules and regulations of the board shall provide.

Two members of the board shall constitute a quorum, but no action may be taken without at least 2 votes in accord.

The board shall annually elect a chairman, and a secretary. The secretary may or may not be a member of the board.

The board shall adopt and have an official seal.

Sec. 4. Powers and duties of the board. The board shall in accordance with the spirit and intent of the law, make such rules and regulations as may be desirable or necessary for the performance of its duties and for carrying out the purposes of this chapter.

In carrying into effect the provisions of this chapter, the board may, under the hand of its president and the seal of the board, subpoena witnesses and compel their attendance, and may require the production of books, papers and documents, in any case involving revocation or registration. The president or the secretary may administer oaths or affirmations to witnesses appearing before the board. If any persons shall refuse to obey any subpoena so issued or shall refuse to testify or produce any books, papers, or other documents, the board may present its petition to

any justice of the superior or supreme courts, setting forth the facts, and thereupon such court, after notice and hearing, may issue its subpoena to such person, requiring his attendance before the court and thereto testify or to produce books, papers, and documents as may be deemed necessary and pertinent. 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.

The board, or any committee thereof, shall be entitled to the services of the attorney-general of the state, and the services of the prosecuting attorneys for the county in which enforcement is required; and the board shall also have the power to employ legal advice and such other assistance as may be deemed necessary for the proper conduct of its affairs, the expense of such assistance to be defrayed by the revenues provided by this chapter.

Sec. 5. Removal of members of board; vacancies. The governor by and with the consent of the council, may by due process of law, remove any member of the board for misconduct, incompetency, neglect of duty, or for any malfeasance in office. Vacancies in the membership of the board shall be immediately filled for the unexpired term after the expiration of time necessary for filing nominations as provided in section 1.

If the governor fails to name a successor for an unexpired term or to fill a vacancy within 2 months after the term of a member has expired or a vacancy occurred, then the remaining members of the board shall be empowered to, and may, fill the vacancy by giving the governor 10 days' written notice that they are about to take such action, and at the expiration of the 10 days' notice, unless the governor shall within that period make an appointment, may elect an architect having the necessary qualifications to serve out the vacant term.

Sec. 6. Records. The board shall keep a record of its proceedings and a register of all applications for registration which shall show all necessary details as may be determined by the board.

Sec. 7. Reports. 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 30th, and shall also transmit to him a complete statement of all receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

Sec. 8. Exemption. Nothing contained in this chapter shall prohibit any person from performing or holding himself out as able to perform any and/or all the functions of an architect, provided such person does not use

the word "architect" or any derivative thereof in connection therewith. The provisions of this chapter shall also not apply to:

I. Landscape architects practicing their profession of landscape architect, and naval or marine architects practicing their profession of naval architect;

II. Officers and employees of the government of the United States, while engaged within this state in the practice of architecture for said government;

III. Officers and employees of public utilities, while working as officers or employees of such public utilities or in behalf of such public utilities or subsidiaries thereof.

Sec. 9. Qualifications.

I. To be qualified for admission to the examination to practice architecture in this state an applicant shall be at least 25 years of age, a graduate of an approved 4-year high school including not less than one year in the basic science of chemistry and physics, and 3 years of mathematics, or equivalent training, and after completion thereof he must have had:

A. Satisfactory training in a school or college of architecture approved by the board, with graduation therefrom, as evidenced by a diploma setting forth a satisfactory degree, and 3 years practical experience in the office of an experienced architect, or architects, engaged in the practice of architecture as a profession; or

B. 9 years of practical experience in the office of an experienced architect, or architects, engaged in the practice of architecture as a profession; or

C. Training fully equivalent to that required in paragraphs A or B.

II. No corporation as such shall be registered to practice architecture in this state, but it shall be lawful for a corporation to practice architecture providing the chief executive officer of such corporation shall be a registered architect and all drawings and plans and specifications and supervision of construction or alterations of buildings or projects by such corporation shall be under the personal direction of such registered architect.

Sec. 10. Examinations. The board shall have the power to make all necessary rules and regulations governing the time, place, and method of giving examinations to all applicants who desire to use the word "archi-

tect" and to engage in performing the functions of an architect, and of the grading of such examinations; and said board shall have the power to provide a reasonable division into classes of the various applicants and the examination to be taken in each class, said examinations to consist of such technical and professional subjects and oral questioning as the board may, from time to time, prescribe.

The rules for the examination shall follow the recommendations of the board.

Sec. 11. Registration without examination. Board.

I. At any time within 3 months after this chapter becomes effective, upon due application therefor and payment of the proper fee, the board shall issue a certificate of registration without written or oral examination, to any person who shall submit evidence, under oath, that he is of good character, has been a resident of this state for at least 1 year immediately preceding the passage of this chapter, and has been engaged in the actual practice of architecture under the title "architect", as a principal means of livelihood for a period of not less than 10 months before this chapter became effective, or, at the discretion of the board, one who possesses the qualifications as set forth in section 9, and who during his practical experience has had, for at least 3 years, responsible charge of complete architectural services. Such certificate shall bear the words, "By exemption".

II. Certificates of registration may, in the discretion of the board, be issued to persons who have passed a standard National Council of Architectural Registration Boards' examination upon certification thereto by the National Council of Architectural Registration Boards, and the further evidence of continued honorable professional conduct after the passing of such examination.

III. Certificates of registration may, at the discretion of the board, be issued to persons who hold or have held certificate of registration from other states, providing the requirements of such certificate of registration are deemed the equivalent of requirements for registration in this state by examination, and provided the applicant submit such other evidence of his ability as may be required by the board.

IV. For non-resident architects, the board may, upon application therefor, and the payment of a fee equivalent to that required for a regular written examination and certificate, issue a certificate of registration to any such applicant who holds an unexpired certificate of registration issued to him by any state or territory or possession of the United States or any

country, provided that the requirements of the registration of architects under which said certificate of registration was issued do not contravene the provisions of this chapter and are deemed the equivalent of requirements for registration in this state by examination, and provided the applicant submit such other evidence of his ability as may be required by the board.

Sec. 12. Certificates. The board shall issue a certificate of registration, upon payment of the fee provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. Certificates shall bear a serial number and the full name of the registrant, and shall bear the signatures of the chairman and secretary, and the seal of the board.

Issuance of a certificate of registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect while said certificate remains unexpired and unrevoked; and said certificate shall be synonymous with registration, with the full meaning and effect of a license to practice architecture.

Certificates of registration shall expire on the last day of the month of June of each year, and shall become invalid on that date unless renewed. Renewal may be effected at any time during the month of June by payment of the renewal fee as herein provided.

In the case of a revoked, lapsed, or suspended registration, the board shall have the power to compel the return of the certificate within 1 month from the date of its expiration, providing there is no re-issue of said certificate.

Sec. 13. Seal and use of seal. Each registrant hereunder shall upon registration, obtain a seal of such design as the board shall authorize and direct. Plans and specifications prepared by, or under the direct supervision of a registered architect shall be stamped with said seal during the life of the registrant's certificate, and it shall be unlawful for anyone 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 reissued.

Sec. 14. Penalties. Any person who shall violate any provision of this chapter shall be punished by 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. 15. Fees. For the purpose of defraying the expenses of the board,

as herein provided, and as required for carrying out the provisions of this chapter, the following fees and penalties shall be paid:

I. For an application for examination and registration an amount to be fixed by the board which shall at no time exceed the sum of \$25.

II. For a certificate of registration by exemption, or by transfer of registration from another state or country, an amount to be fixed by the board which shall at no time exceed the sum of \$25.

III. For the annual renewal of a registration certificate, an amount to be fixed by the board which shall at no time exceed the sum of \$10.

IV. For the restoration of a lapsed, suspended or revoked certificate, an amount to be fixed by the board which at no time shall exceed the sum of \$25.

All fees must accompany applications and no part of these fees shall be refunded except such part as may be provided under the rules of the board, to be refunded when no certificate is issued.

Sec. 16. Revocation of certificate. The board shall have the power to revoke the registration of any architect upon proof of violation of any of the provisions of this chapter or of violation of any of such rules and regulations as the board may establish to govern the practice of architecture in this state.

Sec. 17. Charges and hearings. Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such charges shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, deemed worthy of consideration by the board, shall be heard by the board within 3 months after the date upon which they are received by the secretary.

The time and place of 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 the registrant accused, or mailed to the registrant at his last known address 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, and to produce evidence and witnesses in his own defense.

If after such hearing, 2 or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such architect.

The board, for reasons it may deem sufficient may reissue a certificate of registration to any person whose certificate has lapsed, or has been suspended or revoked, providing no charges of violation of this chapter are pending in any court of record of this state, and that the board is unanimous in its decision, except in the case where charges have been maintained and the registrant has been proven guilty, in which case no certificate shall be reissued during 12 months from the date of revocation of the previous certificate.

Sec. 18. Enforcement. It shall be the duty of all duly constituted officers of the law of this state, and all political subdivisions thereof to enforce the provisions of this chapter, and to prosecute any persons violating the provisions thereof.

Sec. 19. Saving clause. This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.'

Sec. 2. R. S., c. 15, § 27, amended. The 1st sentence of section 27 of chapter 15 of the revised statutes is hereby amended to read as follows:

'All money received by the treasurer of state from the board of registration in medicine, the board of registration of nurses, the board of examiners of applicants for admission to the bar, the board of accountancy, the board of veterinary examiners, the board of osteopathic examination and registration, the board of examiners of funeral directors and embalmers, the state board of registration and examination in optometry, the board of dental examiners, the state board of registration for professional engineers, **the state board of architects**, the state board of barbers and hairdressers, the examiners of podiatrists, and the board of commissioners of pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board, and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.'