

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

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1991

in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 2. 17 MRSA §2805, sub-§4, as enacted by PL 1981, c. 472, is repealed and the following enacted in its place:

4. Application; municipal ordinances. This section does not affect the application of state and federal laws. After the effective date of this subsection, a municipality must provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The clerk of the municipality or a municipal official designated by the clerk shall submit a copy of the proposed ordinance to the commissioner at least 90 days prior to the meeting of the legislative body or public hearing at which adoption of the ordinance will be considered. The commissioner shall review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. This subsection does not affect municipal authority to enact ordinances.

Sec. 3. 17 MRSA §2805, sub-§§5 to 8 are enacted to read:

5. Complaint resolution. The commissioner shall investigate all complaints involving a farm or farm operation, including, but not limited to, complaints involving the use of waste products, ground and surface water pollution and insect infestations. If the commissioner finds upon investigation that the person responsible for the farm or farm operation is using best management practices, the commissioner shall notify that person and the complainant of this finding in writing. If the commissioner identifies the source or sources of the problem, has reason to believe that the source is a nuisance and finds that the nuisance is caused by the use of other than best management practices, the commissioner shall:

A. Determine the changes needed in the farm or farm operation to comply with best management practices;

B. Advise the person responsible for the farm or farm operation of the changes, as determined in paragraph A, that are necessary to conform with best management practices and determine subsequently if those changes are implemented; and

C. Give the findings of the initial investigation and subsequent investigations and any determination of compliance to the complainant and person responsible.

6. Failure to adopt best management practices. If the person responsible for the farm or farm operation does not adopt best management practices, the commissioner shall send a written report to an appropriate agency if a

federal or state law has been violated and may refer the matter to the Attorney General. The Attorney General may institute an action to abate a nuisance and the court may order the abatement with costs as provided under section 2702.

7. Agricultural Complaint Response Fund. There is established the nonlapsing Agricultural Complaint Response Fund. The commissioner may accept funds from any source designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to investigate complaints involving a farm or farm operation and to abate conditions potentially resulting from farms or farm operations.

8. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to interpret and implement this section.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Agricultural Complaint Response Fund		
All Other	\$50,000	\$100,000
Provides funds for travel and monitorial expenses and for the cost of abating farming conditions that initiated complaint investigations.		

See title page for effective date.

CHAPTER 396

S.P. 662 - L.D. 1738

An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture

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

Whereas, delay in implementation of changes to the law will result in unnecessary burdens on the Maine State Board for Licensure of Architects and Landscape Architects to function independently and financially; and

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

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

Sec. 1. 10 MRSA §8001, sub-§32-A is enacted to read:

32-A. Maine State Board for Licensure of Architects and Landscape Architects. Licensure of Architects and Landscape Architects, Maine State Board for:

Sec. 2. 10 MRSA §8001-A, sub-§1, as enacted by PL 1989, c. 450, §5, is repealed.

Sec. 3. 32 MRSA §211, first ¶, as amended by PL 1989, c. 503, Pt. B, §121, is further amended to read:

The Maine State Board for Licensure of Architects and Landscape Architects, as established by Title 5, section 12004-A, subsection 4, shall administer this chapter. The board ~~shall consist~~ consists of 8 ~~9~~ members appointed by the Governor, ~~of which 5 shall:~~ Five must be licensed and practicing architects, one of whom may be a professor of architecture; 2 ~~shall must~~ be registered licensed and practicing landscape architects; and ~~one shall 2 must~~ be a representative representatives of the public.

Sec. 4. 32 MRSA §211, last ¶, as repealed and replaced by PL 1983, c. 413, §3, is amended to read:

Appointments ~~shall be~~ are for 3-year terms, except that no more than 3 members' terms may expire in any one calendar year. Appointments for terms of less than 3 years may be made in order to comply with this limitation. ~~No A person may be is not~~ eligible to serve more than 3 full consecutive terms, provided that for this purpose only, a A period actually served which that exceeds 1/2 of the 3-year term shall be is deemed a full term. Upon expiration of a member's term, ~~he shall serve the member serves until his the member's~~ successor is qualified and appointed. The successor's term shall be is for 3 years from the date of the expiration, regardless of the date of his the successor's appointment. Any vacancy ~~shall must~~ be filled by appointment for the unexpired term. A member may be removed by the Governor for cause.

Sec. 5. 32 MRSA §212, as enacted by PL 1977, c. 463, §3, is amended to read:

§212. Qualifications for members

Each member of the board ~~shall must~~ be a citizen of the United States, a resident of this State and in the case of architect or landscape architect members shall must be of recognized standing currently licensed by the State and engaged in the independent practice of architecture or landscape architecture in the State for at least 5 years immediately prior to appointment. The member who may be a professor of architecture in any college or

university of this State shall have combined experience in practice and teaching of not less than 5 years, at least 2 of which ~~shall must~~ must have been in the active practice of architecture as a profession.

Sec. 6. 32 MRSA §213-A, first ¶, as repealed and replaced by PL 1983, c. 812, §193, is amended to read:

Each member of the board ~~and the secretary shall be compensated~~ is entitled to compensation according to the provisions of Title 5, chapter 379. These expenses ~~shall must~~ must be certified by the secretary of the board.

Sec. 7. 32 MRSA §213-A, last ¶, as repealed and replaced by PL 1983, c. 812, §193, is repealed.

Sec. 8. 32 MRSA §216, as amended by PL 1987, c. 395, Pt. A, §111, is further amended to read:

§216. Records

The board shall keep such records and minutes as are necessary to the ordinary dispatch of its functions. The board shall keep a register of all ~~applicants for licensure and a register of all licensees~~ which must be available at cost to all persons.

Sec. 9. 32 MRSA §217-A, as amended by PL 1983, c. 758, §2, is repealed.

Sec. 10. 32 MRSA §217-C is enacted to read:

§217-C. Employees

The Commissioner of Professional and Financial Regulation may appoint, subject to the Civil Service Law, such employees as may be necessary to carry out this chapter. Any person so employed must be located in the department and under the administrative and supervisory direction of the commissioner.

Sec. 11. 32 MRSA §220, as amended by PL 1987, c. 395, Pt. A, §115, is further amended to read:

§220. Practice forbidden unless licensed; qualifications

1. Architects.

A. ~~No A person may not~~ practice architecture or hold himself out profess to practice architecture within inside the State or use the title "architect" or call himself profess to be an "architect" or "registered architect" or display or use any words, letters, figures, titles, sign, card advertisement or other symbol or device indicating or tending to indicate that the person is an architect or is practicing architecture, or sign drawings or specifications as an architect, technical submissions unless he shall be the person is duly licensed by the board.

As used in this chapter, the practice of architecture ~~shall consist~~ consists of rendering or offering to render service to clients by consultations, investigations, ~~preliminary studies, plans, specifications, contract documents~~ technical submissions and a coordination of structural factors concerning the aesthetic or structural design and ~~inspection~~ administration of construction ~~of buildings~~ contracts or any other service in connection with the designing or ~~inspection~~ administration of construction ~~of contracts~~ for buildings located ~~within~~ inside the State that have as their principal purpose human occupancy or habitation, regardless of whether ~~such~~ the persons are performing one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

As used in this chapter, the term "technical submissions" includes the preliminary studies, plans, designs, drawings, specifications and contract documents, as well as other documents, prepared in the course of practicing architecture or landscape architecture.

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

B. Qualifications.

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

(a) ~~He~~ The applicant has completed a course of study 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 of practical experience in the office of an experienced architect or architects engaged in the practice of architecture as a profession; or

(b) Training or practical experience, or a combination of both, ~~which~~ that in the opinion of the board; is fully equivalent to that required in division (a).

~~(2) No corporation as such may be licensed to practice architecture in this State, but it shall be lawful for a corporation to practice architecture providing at least 1/3 of the directors, if a corporation, or 1/3 of the partners, if a partnership, are licensed under the laws of any state to practice architecture and the person having the practice of architecture in his charge is himself a director, if a corporation, or a part-~~

~~ner, if a partnership, and licensed to practice architecture under this chapter and all drawings, plans, specifications and administration of construction or alterations of buildings or projects by such corporation are under the personal direction of such registered architect. One third of the directors or partners shall be licensed under the laws of any state to practice engineering, architecture, landscape architecture or planning. In cases where the number of directors or partners is not divisible by 3 the number of directors or partners shall be the number that results from rounding up or rounding down to the nearest number.~~

(2) An applicant for licensure as an architect in this State who has a current and valid license from another jurisdiction and a certificate from the National Council of Architectural Registration Boards may offer to render architectural services in this State prior to licensure by the board if the applicant first notifies the board in writing that the applicant will be present in this State to offer to render architectural services. The applicant may not render architectural services until duly licensed by the board.

C. Corporations and partnerships.

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

(a) At least 1/3 of the directors, if a corporation, or 1/3 of the partners, if a partnership, are licensed under the laws of any state to practice architecture;

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

(c) An additional 1/3 of the directors or partners are licensed under the laws of any state to practice engineering, architecture or landscape architecture.

If the total number of directors or partners is not divisible by 3, the number of directors or partners required to satisfy the requirements of this subparagraph is determined by dividing the total number of directors or partners by 3 and rounding to the nearest whole number.

Any corporation or partnership authorized to practice architecture under this chapter shall, upon written request from the board, submit

information concerning the organization and activities of the corporation or partnership.

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

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

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

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

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

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

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

2. Landscape architects.

~~A. No~~ A person may practice landscape architecture or not use the title "landscape architect" or call himself profess to be a landscape architect or sign drawings or specifications as a landscape architect unless he shall be that person is duly licensed by the board.

~~As used in this chapter, the practice of landscape architecture shall consist of rendering or offering to render services to clients by consultations, investigations, preliminary studies, plans, specifications, contract documents involving the development of land and incidental water areas where and to the extent that the dominant purpose of such services is the~~

~~preservation, enhancement or determination of proper land uses, natural land features, naturalistic and aesthetic values, the settings and approaches to buildings, structures, facilities or other improvements, and natural drainage and the consideration, determination and solution of inherent problems of the land relating to erosion, wear and tear, blight or other hazards. Also the practice of landscape architecture shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein.~~

As used in this chapter, the practice of landscape architecture consists of rendering or offering to render services to clients by consultations and technical submissions for the purposes of landscape preservation, development and enhancement. These services must apply artistic and scientific principals to the research, planning, design and management of both natural and built environments. These services may include but not be limited to the following activities:

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

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

(3) Preparation of master plans for land use and development;

(4) Production of contract documents for landscape construction, which may include grading and drainage plans, irrigation plans, planting plans, construction detail plans and specifications;

(5) Cost estimates for landscape construction;

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

(7) Reclamation or rehabilitation of disturbed and historic landscapes.

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

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

B. Qualifications.

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

(a) ~~He~~ The applicant has completed a course of study in a school or college of landscape architecture approved ~~to~~ by the board, with graduation ~~therefrom as~~ evidenced by a diploma setting a satisfactory degree; and 2 years of practical experience in landscape architectural work of a grade and character satisfactory to the board; or

(b) Training or practical experience, or a combination of both, ~~which that~~ in the opinion of the board; is fully equivalent to that required in division (a).

~~(2) No corporation as such may be licensed to practice landscape architecture in this State, but it shall be lawful for a corporation to practice landscape architecture providing at least 1/3 of the directors, if a corporation, or 1/3 of the partners, if a partnership, are licensed under the laws of any state to practice landscape architecture and the person having the practice of landscape architecture in his charge is himself a director, if a corporation, or a partner if a partnership, and licensed to practice landscape architecture under this chapter and all drawings, plans, specifications and administration of construction or alterations of buildings or projects by such corporation are under the personal direction of such registered architect. One-third of the directors or partners shall be licensed under the laws of any state to practice engineering, architecture, landscape architecture or planning. In cases where the number of directors or partners is not divisible by 3, the number of directors or partners shall be the number that results from rounding up or rounding down to the nearest number.~~

(2) An applicant for licensure as a landscape architect in this State who has a current and valid license from another jurisdiction and a Council of Landscape Architectural Registration Boards' certificate may offer to render landscape architectural services in the State prior to licensure by the board provided the applicant first notifies the board in writing that the applicant will be present in the State to offer to render landscape architectural services. The applicant may not render landscape architectural services until duly licensed by the board.

C. Corporations and partnerships.

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

(a) At least 1/3 of the directors, if a corporation, or 1/3 of the partners, if a partnership, are licensed under the laws of any state to practice landscape architecture;

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

(c) An additional 1/3 of the directors or partners are licensed under the laws of any state to practice engineering, architecture or landscape architecture.

If the total number of directors or partners is not divisible by 3, the number of directors or partners required to satisfy the requirements of this subparagraph is determined by dividing the total number of directors or partners by 3 and rounding to the nearest whole number.

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

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

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

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

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

(a) A landscape architect licensed in the State or otherwise permitted to offer to render landscape architectural services participates substantially in all material

aspects of the offering and supervises directly the landscape architectural services provided;

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

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

Sec. 12. 32 MRSA §222, sub-§1, as amended by PL 1983, c. 413, §10, is further amended to read:

1. Application for licensure. For an application for ~~registration~~ licensure an amount ~~shall~~ must be fixed by the board ~~which shall be~~ that is reasonable and necessary for its purpose.

Sec. 13. 32 MRSA §222, sub-§3, as amended by PL 1987, c. 395, Pt. A, §118, is further amended to read:

3. License. For a license for a resident or non-resident by transfer of license from another state or country, an amount ~~shall~~ must be fixed by the board that may not exceed \$200.

Sec. 14. 32 MRSA §222, sub-§4, as amended by PL 1987, c. 395, Pt. A, §118, is repealed.

Sec. 15. 32 MRSA §222, sub-§§5 and 6, as amended by PL 1987, c. 395, Pt. A, §118, are further amended to read:

5. Renewal. For the annual renewal of a license ~~certificate~~ an amount ~~shall~~ must be fixed by the board ~~which shall~~ that may not exceed the sum of \$25 \$100.

6. Reissuance. For the reissuance of a lapsed or suspended license, an amount ~~shall~~ must be fixed by the board ~~which shall~~ that may not exceed the sum of \$50 \$100.

Sec. 16. 32 MRSA §222, last ¶, as enacted by PL 1977, c. 694, §547, is amended to read:

All fees must accompany applications and no part of these fees ~~shall~~ may be refunded, except such ~~part~~ parts as may be provided under the rules of the board to be refunded when no ~~certificate~~ license is issued. The board shall adopt a fee schedule and refund policy by

rules ~~promulgated~~ adopted in accordance with the Maine Administrative ~~Procedures~~ Procedure Act, Title 5, section 8051 et seq.

Sec. 17. 32 MRSA §223, as amended by PL 1987, c. 395, Pt. A, §119, is repealed.

Sec. 18. 32 MRSA §223-A is enacted to read:

§223-A. Licensure without examination

A license may be issued without an examination under any one of the following conditions.

1. Certification by National Council of Architectural Registration Boards. An architect license may be issued without examination to an applicant who has a current and valid certificate of licensure from another state and a current and valid National Council of Architectural Registration Boards' certificate. The applicant must file an application for licensure with the Maine State Board for Licensure of Architects and Landscape Architects on a form prescribed by the board containing such information as the board considers pertinent.

2. Architect licensure from other jurisdictions. An architect license may be issued without examination to an applicant who holds a current and valid license from another jurisdiction provided the requirements for the license are determined equivalent to requirements for licensure by examination in this State and the applicant submits other evidence of ability as may be required by the board.

3. Certification by Council of Landscape Architectural Registration Boards. A landscape architect license may be issued without examination to an applicant who has passed a standard examination and received certification by the Council of Landscape Architectural Registration Boards and provides the board further evidence of continued honorable professional conduct after passing the examination.

4. Landscape architect licensure from other jurisdictions. A landscape architect license may be issued without examination to an applicant who holds a current and valid license from another jurisdiction provided the requirements for the license are determined equivalent to the requirements for licensure by examination in this State and the applicant submits other evidence of ability as may be required by the board.

Sec. 19. 32 MRSA §224, first and last ¶¶, as amended by PL 1987, c. 395, Pt. A, §120, are further amended to read:

The board shall issue a license; 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. Licenses ~~shall~~ must bear a serial number and the full name of the ~~registrant~~ licensee, ~~and shall bear the signatures of the chairman and secretary, and the seal of the board licensee.~~

Licenses ~~shall~~ expire on the last day of June of each year or any other time the Commissioner of Professional and Financial Regulation designates. Renewal may be effected at any time during the renewal month of ~~June~~ by payment of the renewal fee. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date ~~shall be~~ is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

Sec. 20. 32 MRSA §225, as amended by PL 1987, c. 395, Pt. A, §121, is further amended to read:

§225. Seal

Each licensee shall upon licensure obtain a seal of such design as the board ~~shall authorize~~ authorizes and ~~direct~~ directs and shall submit an impression of the seal to the board. ~~Plans and specifications, Technical submissions prepared by or under the direct supervision of a licensed architect in the case of an architect registrant, and or under the direct supervision of a licensed landscape architect in the case of a landscape architect registrant, shall must be stamped with the seal during the life of the licensee's license, and it shall be . It is unlawful for anyone to stamp or seal any documents with the seal after the license named thereon on the seal has expired or has been revoked, unless the license shall have has been renewed or reissued.~~

As used in this section, "direct supervision of a technical submission" means that the supervising licensee has personal knowledge of the technical submission and direct knowledge of involvement with and control over preparation of the technical submission, provided that persons consulting with or employed by the licensee who are licensed in this State under any other provision of law may provide direct supervision of portions of the technical submission. Those portions are determined to be under the direct supervision of the licensee if the licensee has reviewed those portions, coordinated their preparation and is responsible for their adequacy.

A public official charged with enforcement duties under Title 5, section 1742, subsection 7; Title 25, section 2448; and Title 30-A, section 3007, subsection 2 may not accept or approve any technical submission involving the practice of architecture unless the technical submission is stamped as required by this section or the applicant certifies on the submission to the applicability of a specific exception under section 226 permitting the preparation of the technical submission by a person not licensed under this chapter. A building permit issued with respect to a technical submission that does not conform with the requirements of this section is invalid.

Sec. 21. 32 MRSA §226, as enacted by PL 1977, c. 463, §3, is repealed and the following enacted in its place:

§226. Exceptions

1. Practices excepted. Nothing in this chapter may be construed to affect or prevent the practice of:

A. Supervision by builders or superintendents employed by those builders of the installation of architectural or landscape architectural projects;

B. Marine or naval architects acting within the scope of their profession or occupation;

C. Officers or employees of the Federal Government engaged inside the State in the practice of architecture for the Federal Government;

D. Any person in the regular employment of a public utility carrying out work incidental to the person's employment;

E. Any person who is qualified under the law to use the title "professional engineer," provided the person does only architectural or landscape architectural work as is incidental to the person's engineering work;

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

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

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

2. Technical submissions; construction or development. Nothing in this chapter may be construed to prevent any person from preparing technical submissions for, or administering construction contracts in, the erection, construction or development of:

A. Single or 2-family dwellings, sheds, storage buildings and garages incidental to the dwellings;

B. Farm buildings, including barns, silos, sheds or housing for farm equipment and machinery, livestock, poultry or storage, if the structures are designed to be occupied by no more than 10 persons; and

C. Alterations, renovations or remodeling of a building when the alteration, renovation or remodeling

does not affect structural or other safety features of the building and when the work contemplated by the design does not require the issuance of a permit under applicable building codes or when the work involves those structures as provided in paragraphs A and B.

Sec. 22. Transition clause. The following provisions apply to the transition required by this Act.

1. All liabilities and assets remain with the Maine State Board for Licensure of Architects and Landscape Architects and the Department of Professional and Financial Regulation.

2. All rules and procedures currently in effect and operations pertaining to any unit and that are in compliance with this Act remain in effect until rescinded or amended as provided by state law.

3. Members of the Maine State Board for Licensure of Architects and Landscape Architects who have been appointed to terms extending beyond the effective date of this Act continue to serve in their appointed terms of office under the Maine State Board for Licensure of Architects and Landscape Architects.

Sec. 23. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1991-92	1992-93
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Maine State Board for Licensure of Architects and Landscape Architects		
Personal Services	\$945	\$420
All Other	5,600	600
Total	<u>\$6,545</u>	<u>\$1,020</u>
Provides funds for the per diem and expenses of an additional board member and for the expenses related to promulgating rules.		

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective June 20, 1991, unless otherwise indicated.

CHAPTER 397

H.P. 1288 - L.D. 1858

An Act to Create the Board of Barbering and Cosmetology

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, delay in the implementation of changes to the law will result in unnecessary burden on the ability of the Board of Barbering and Cosmetology to function independently and financially; and

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

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

Sec. 1. 5 MRSA §12004-A, sub-§6, as enacted by PL 1987, c. 786, §5, is repealed and the following enacted in its place:

6. Board of \$35/Day 32 MRSA §14211 Barbering and Cosmetology

Sec. 2. 5 MRSA §12004-A, sub-§9, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 3. 10 MRSA §8001, sub-§9, as repealed and replaced by PL 1989, c. 806, §2, and c. 878, Pt. D, §6, is repealed and the following enacted in its place:

9. Board of Barbering and Cosmetology. Barbering and Cosmetology, Board of;

Sec. 4. 10 MRSA §8001-A, sub-§2, as enacted by PL 1989, c. 450, §5, is repealed.

Sec. 5. 32 MRSA cc. 7 and 23, as amended, are repealed.

Sec. 6. 32 MRSA c. 126 is enacted to read:

CHAPTER 126

BARBERING AND COSMETOLOGY LICENSING

SUBCHAPTER I

GENERAL PROVISIONS

§14201. Short title

This chapter may be known and cited as the "Barbering and Cosmetology Licensure Act."

§14202. Definitions

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