

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 5. 26 MRSA §843, sub-§4, ¶F is enacted to read:

F. The death or serious health condition of the employee's spouse, domestic partner, parent or child if the spouse, domestic partner, parent or child as a member of the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

See title page for effective date.

CHAPTER 389

H.P. 437 - L.D. 559

An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws

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

Sec. 1. 36 MRSA §701-A, first ¶, as amended by PL 1999, c. 478, §2, is further amended to read:

In the assessment of property, assessors in determining just value are to define this term in a manner that recognizes only that value arising from presently possible land use alternatives to which the particular parcel of land being valued may be put. In determining just value, assessors must consider all relevant factors, including without limitation, the effect upon value of any enforceable restrictions to which the use of the land may be subjected including the effect on value of designation of land as significant wildlife habitat under Title 38, section 480-BB, current use, physical depreciation, sales in the secondary market, functional obsolescence and economic obsolescence. Restrictions include but are not limited to zoning restrictions limiting the use of land, subdivision restrictions and any recorded contractual provisions limiting the use of lands. The just value of land is determined to arise from and is attributable to legally permissible use or uses only.

See title page for effective date.

CHAPTER 390

H.P. 1249 - L.D. 1787

An Act To Amend the Licensing of Landscape Architects

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

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

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

A. A person may not use the title "landscape architect" or profess to be a landscape architect or sign drawings or specifications as a landscape architect unless that person is duly licensed by the board. As used in this chapter, the practice of landscape architecture consists of rendering or offering to render services to clients by consultations, investigations, technical submissions and administration of construction contracts for the purposes of public land development and enhancement projects involving site vehicular access and circulation, multi-vehicle parking areas, grading and drainage of such ways and areas and site grading that results in drainage flows that exceed the previously existing drainage capacity, when such project submissions require the stamp or seal of a licensed professional for permit or approval by a municipal land ordinance, site plan ordinance, zoning ordinance or state land development law. These services must apply artistic and scientific principles to the research, planning, design and management of both natural and built environments.

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 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 the landscape architect's work.

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

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

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

(a) The applicant has completed a course of study in a school or college of land-

scape architecture approved by the board, with graduation evidenced by a diploma setting forth a satisfactory degree and 2 years of practical experience in landscape architectural work of a grade and character satisfactory to the board; or

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

(2) An applicant for licensure as a landscape architect in this State who has a current and valid license from another jurisdiction and a certificate from a recognized council of landscape architecture registration boards may offer to render landscape architectural services in the State prior to licensure by the board as long as 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.

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

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

(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) 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

(b) At least 1/3 of the directors or partners of the corporation or partnership 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 this requirement is determined by dividing the total number of directors or partners by 3 and rounding to the nearest whole number.

A 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 provides 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 provides 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.

See title page for effective date.

CHAPTER 391

S.P. 561 - L.D. 1617

An Act To Repeal Strict Foreclosure

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

Sec. 1. 14 MRSA §6201, as amended by PL 1987, c. 736, §16, is repealed.

Sec. 2. 14 MRSA §6202 is repealed.

Sec. 3. 14 MRSA §6203, as amended by PL 1987, c. 667, §13, is repealed.