

MAINE STATE LEGISLATURE

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CHAPTER 3
ARCHITECTS

Subch.	Sec.
I. General Provisions	101
II. Board of Registration	151
III. Regulation of Architects	201

SUBCHAPTER I

GENERAL PROVISIONS

- Sec.
 101. Savings clause.
 102. Exceptions.
 103. Enforcement.
 104. Penalties.

§ 101. Savings clause

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.

R.S.1954, c. 81, § 20.

§ 102. Exceptions

Nothing in this chapter shall be construed to apply to the supervision of construction of residential property or to landscape architects and marine or naval architects when acting within the scope of their profession or occupation, or to officers or employees of the Government of the United States while engaged within the State in the practice of architecture for said government, or to any person while in the regular employment of a public utility, or to any person who is qualified under the law to use the title "professional engineer," provided such person may do such architectural work as is incidental to his engineering work and any person registered hereunder may do such engineering work as is incidental to his architectural work.

Nothing in this chapter shall be construed to prevent any person from making a set of drawings or specifications for, or supervising the construction of, the occasional or incidental erection or construction of:

- I. **Occupancy by person making drawings.** Any building or enlargement or alteration thereof intended for occupancy

32 § 102 PROFESSIONS AND OCCUPATIONS Title 32

by himself or any person, association or corporation regularly employing him;

2. Farm purposes. Any building or enlargement or alteration thereof which is to be used for farm purposes;

3. Single family residence. Any single family residence of any size which is to be used by such person as his home;

4. Remodeling without structural changes. Any remodeling or alteration of existing buildings not involving structural changes;

provided such person shall not receive any compensation for making such drawings and specifications.

R.S.1954, c. 81, § 9.

§ 103. Enforcement

It shall be the duty of all duly constituted officers of the law of this State and all political subdivisions thereof to enforce this chapter and to prosecute any persons violating this chapter.

R.S.1954, c. 81, § 19.

§ 104. 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.

R.S.1954, c. 81, § 15.

SUBCHAPTER II

BOARD OF REGISTRATION

Sec.

151. Membership; term.

152. Qualifications for members.

153. Organization; meetings; compensation; quorum; seal.

154. Powers and duties.

155. Removal of members; vacancies.

156. Records.

157. Reports.

158. Hearings.

§ 151. Membership; term

A State Board for Registration of Architects, as heretofore created and hereinafter in this chapter called the "board," shall

administer this chapter and may be cited as the "Maine State Board for Registration of Architects."

The board shall be composed of 5 practicing architects, or 4 practicing architects and one professor of architecture, who shall be appointed by the Governor with the advice and consent of the Council, to serve for 3 years and until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of his appointment from the Governor.

R.S.1954, c. 81, § 1; 1955, c. 122, § 1; 1961, c. 259, § 1.

§ 152. Qualifications for members

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.

R.S.1954, c. 81, § 2; 1961, c. 259, § 2.

§ 153. Organization; meetings; compensation; quorum; seal

The board 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. The members of the board shall each receive as compensation for their services \$10 a day for the time actually spent and their necessary expenses incurred in the discharge of their duties, to be certified by the secretary of the board.

Three members of the board shall constitute a quorum but no certificate of registration shall be issued or revoked except on an affirmative vote of at least 3 members of the board. The board shall annually elect a chairman and a secretary. The secretary may or may not be a member of the board and he shall receive an annual salary to be fixed by the board not to exceed \$200, which shall be in lieu of a per diem compensation. The secretary shall be paid his necessary expenses incurred in the discharge of his official duties, including clerical and stenographical assistance, printing and postage. Such salary and allowance for

32 § 153 PROFESSIONS AND OCCUPATIONS Title 32

expenses shall be certified by the chairman of the board. The board shall adopt and have an official seal.

R.S.1954, c. 81, § 3; 1955, c. 122, § 2.

§ 154. Powers and duties

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.

The board, or any committee thereof, shall be entitled to the services of the Attorney General and the services of the prosecuting attorney for the county in which enforcement is required. The board shall 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.

R.S.1954, c. 81, § 4; 1961, c. 394, § 44.

§ 155. Removal of members; vacancies

The Governor, with the advice and 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.

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.

R.S.1954, c. 81, § 5.

§ 156. 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.

R.S.1954, c. 81, § 6.

§ 157. 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 transmit to him a complete statement of all receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

R.S.1954, c. 81, § 7.

§ 158. 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 within 3 months after the date upon which they are received by the secretary.

Upon a finding of guilt, the Administrative Hearing Commissioner, as designated by Title 5, chapters 301 to 307, 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, provided 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.

R.S.1954, c. 81, § 18; 1961, c. 394, § 45; 1963, c. 412, § 23.

SUBCHAPTER III**REGULATION OF ARCHITECTS**

- Sec.
- 201. Practice forbidden unless registered.
 - 202. Qualifications.
 - 203. Examinations.
 - 204. Fees.
 - 205. Registration without examination.
 - 206. Certificates.
 - 207. —Revocation; suspension.
 - 208. Seal.

§ 201. Practice forbidden unless registered

In order to safeguard life, health and property, no person shall practice architecture or hold himself out to practice architecture within the State or use the title "architect" or call himself an architect or sign drawings or specifications as an architect, unless he shall be duly registered by the board in the manner provided and shall thereafter comply with this chapter.

As used in this chapter, the practice of architecture shall consist of rendering or offering to render service to clients by consultations, investigations, preliminary studies, plans, specifications, contract documents and a coordination of structural factors concerning the aesthetic or structural design and supervision of construction of buildings or any other service in connection with the designing or supervision of construction of buildings located within the State, regardless of whether such 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.

R.S.1954, c. 81, § 8.

§ 202. Qualifications

1. Age, education and training. 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 of practical experience in the office of an experienced architect or architects engaged in the practice of architecture as a profession; or

B. Nine 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.

2. Corporation. 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.

R.S.1954, c. 81, § 10.

§ 203. 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 "architect" and to engage in performing the functions of an architect, and of the grading of such examinations. 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.

R.S.1954, c. 81, § 11.

§ 204. Fees

For the purpose of defraying the expenses of the board, and as required for carrying out this chapter, the following fees and penalties shall be paid:

1. Application for examination and registration. For an application for examination and registration an amount to be fixed by the board which shall at no time exceed the sum of \$100;

1959, c. 6.

2. Certificate of registration. For a certificate of registration, or by transfer of registration from another state or country, an amount to be fixed by the board;

1959, c. 6; 1961, c. 259, § 3.

3. Renewal. 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;

4. Restoration. 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.

32 § 204 PROFESSIONS AND OCCUPATIONS Title 32

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.

R.S.1954, c. 81, § 16; 1959, c. 6; 1961, c. 259, § 3.

§ 205. Registration without examination

1. Certification by National Council of Architectural Registration. 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.

2. Registration from other states. Certificates of registration may, at the discretion of the board, be issued to persons who hold or have held certificates of registration from other states, providing the requirements of such certificates 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.

3. Nonresident architects. For nonresident 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 the requirements of the registration of architects under which said certificate of registration was issued do not contravene 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.

R.S.1954, c. 81, § 12.

§ 206. 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. 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 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 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 one month from the date of its expiration, provided there is no reissue of said certificate.

R.S.1954, c. 81, § 13.

§ 207. —Revocation; suspension

The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, 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.

In the event that any person registered as an architect by the board accepts regular employment by a city, town, county or the State or any department thereof, and such employment places him in a position where he is empowered to rule upon the services of other architects or to make selections of architects for the governmental body by whom he is employed, his license to practice architecture shall be suspended during the term of such employment without prejudice to him.

R.S.1954, c. 81, § 17; 1963, c. 412, § 22.

§ 208. Seal

Each registrant 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 regis-

32 § 208 PROFESSIONS AND OCCUPATIONS Title 32

tered 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.

R.S.1954, c. 81, § 14.