

Notice of Agency Rulemaking Proposal

AGENCY: 02-288 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers

CHAPTER NUMBER AND TITLE: Chapter 12-A: Licensure by Endorsement - Architects

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: The principal reason for this proposed rulemaking is to propose a rule to implement a pathway for licensure by Endorsement pursuant to Public Law 2021, Chapter 167, An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions and Public Law 2021, Chapter 642, An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

Date, time and location of PUBLIC HEARING (*if any*): N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Wednesday, January 4, 2023, by 5:00 p.m. Comments may be submitted in writing to Catherine E. Pendergast, Board Manager, Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers, 35 State House Station, Augusta, ME 04333-0035, Catherine.Pendergast@maine.gov

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY: Maine relay 711, Catherine.Pendergast@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. § 220-D and 10 M.R.S. § 8003-H.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): n/a

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-of-licensure-architects-landscape-architects-interior-designers>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: kristin.racine@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4140	01	4				

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Additional Information for the Web *(if any)*

DETAILED SUMMARY:

For a copy of the proposed rule and related documents, please direct your request to the contact person for this filing or visit:

<https://www.maine.gov/pfr/professionallicensing/professions/board-of-licensure-architects-landscape-architects-interior-designers> and scroll down to “What’s New.”

Chapter 12-A: Licensure by Endorsement - Architects: This rulemaking proposes to create a new chapter – Chapter 12-A - titled Licensure by Endorsement - Architects. This chapter describes the pathway for Maine licensure for applicants with an active architect license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements. This rule implements LD 149 (enacted as P.L. 2021, c. 167 and codified at 10 M.R.S. § 8003-H), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions, and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

Rulemaking Fact Sheet (5 MRS §8057-A)

AGENCY: 02-288 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333, 207-624-8518, TTY: Maine relay 711, catherine.pendergast@maine.gov

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Kristina M. Halvorsen, 35 State House Station, Augusta, ME 04333, 207-624-8420, TTY: Maine relay 711

CHAPTER NUMBER AND RULE TITLE: Chapter 12-A: LICENSURE BY ENDORSEMENT—ARCHITECTS

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 32 M.R.S. § 220-D and 10 M.R.S. § 8003-H

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Wednesday, January 4, 2023, by 5:00 p.m. Comments may be submitted in writing to Catherine E. Pendergast, Board Manager, Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers, 35 State House Station, Augusta, ME 04333-0035, Catherine.Pendergast@maine.gov

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

This rulemaking proposes to create a new chapter – Chapter 12A - titled Licensure by Endorsement-Architects. This chapter describes the pathway for Maine licensure for applicants with an active architect license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements. This rule implements LD 149 (P.L. 2021, c. 167), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES X NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

It is anticipated that this rule will establish an additional pathway to licensure in Maine for individuals with active architect licenses in other U.S. jurisdictions; and that those individuals may seek licensure to provide architect services in Maine, to the extent permitted by the scope of a Maine license.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon)

Expertise of board members and staff; research of other U.S. jurisdictions' laws and rules.

ESTIMATED FISCAL IMPACT OF THE RULE: None anticipated.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)] **FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:**

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Chapter 12-A: LICENSURE BY ENDORSEMENT—ARCHITECTS

Summary: This chapter describes the pathway for Maine licensure for applicants with an active architect license in another U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine’s requirements, so long as the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license and no cause for denial exists under 10 M.R.S. § 8003(5-A)(A) or under any other law.

1. LICENSURE BY ENDORSEMENT

An individual applying for a license by endorsement must submit a complete application on a form provided by the board, submit any fee required by Chapter 10 of the Rules of the Office of Professional and Occupational Regulation, and meet the following requirements:

1. License from Another Jurisdiction

An applicant must have an active architect license issued by another U.S. jurisdiction that maintains substantially equivalent license requirements.

2. Substantially Equivalent License Requirements

“Substantially equivalent license requirements” means that the jurisdiction maintains a pathway for initial licensure that at a minimum requires the education, experience and examination as set forth in Sections 2(A)-(C).

- A. Education. Documented proof of a Bachelor, Master or Doctorate degree of Architecture, and
 - i. The degree program was accredited by NAAB; or
 - ii. The degree program satisfied the credit hour and area distribution requirements for coursework set forth in the NCARB Education Standard.
- B. Experience. Completion of the NCARB Architectural Experience Program, or its equivalent consisting of practical experience under direct supervision of an experienced architect.

- C. Examination. Passage of the Architect Registration Examination developed by NCARB or its successor organization.

3. **Proof of Good Standing in All Jurisdictions**

An applicant must be in good standing in all jurisdictions in which the applicant holds or has held a license. For purposes of this subsection “good standing” means that the applicant does not have a complaint, allegation or investigation pending, does not have a license that is suspended or subject to practice restrictions and has never surrendered a license or had a license revoked.

STATUTORY AUTHORITY: 32 M.R.S. § 220-D; 10 M.R.S. § 8003-H

EFFECTIVE DATE: