

Chapter 10: DEFINITIONS

Summary: This chapter defines specialized terms used throughout the board's rules.

1. Definitions

As used in the board's rules, unless the context otherwise indicates, the following words have the following meanings:

1. **ARE.** "ARE" means Architect Registration Examination.
2. **CACB.** "CACB" means Canadian Architectural Certification Board.
3. **CIDA.** "CIDA" means Council for Interior Design Accreditation.
4. **CLARB.** "CLARB" means Council of Landscape Architectural Registration Boards.
5. **Direct Supervision.** "Direct supervision" means supervision through personal contact and/or remote communication (*e.g.*, e-mail, online markups, webinars, internet) such that the supervisor has control over the work of the supervisee and has sufficient professional knowledge of the supervised work so that the supervisor can determine that the supervisee understands and is performing their work within the professional standard of care.
6. **LAAB.** "LAAB" means Landscape Architectural Accreditation Board.
7. **LARE.** "LARE" means Landscape Architect Registration Examination.
8. **Licensee.** "Licensee" means an architect, landscape architect or certified interior designer who is licensed by the board.
9. **NAAB.** "NAAB" means National Architectural Accrediting Board.
10. **NCARB.** "NCARB" means National Council of Architectural Registration Boards.
11. **NCIDQ.** "NCIDQ" means National Council of Interior Design Qualification.

12. **Prototypical building.** “Prototypical building” means any commercial building or space within a commercial building that is intended to be constructed in multiple locations, and in fact then has been constructed in multiple locations, and which conveys an owner’s intended uniform business program, plan or image.
13. **Prototypical building construction documents.** “Prototypical building construction documents” means technical submissions for prototypical buildings. Prototypical building construction documents do not comprise a final, comprehensive set of design and construction documents because a prototypical building also requires adaptations for local conditions, including site conditions, and may require additional design as well.
14. **Regionally-accredited institution.** “Regionally-accredited institution” means an educational institution accredited by a regional institutional accrediting agency recognized by the U.S. Department of Education, or a Canadian educational institution accredited by a provincial ministry of education.
15. **Year of experience in the regulated practice of landscape architecture.** “Year of experience in the regulated practice of landscape architecture” means 40 hours a week for 50 weeks of the year.
16. **Year of full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.

STATUTORY AUTHORITY: 32 M.R.S. § 214(1)

EFFECTIVE DATE:

Chapter 12: LICENSURE OF ARCHITECTS

Summary: This chapter sets forth the educational qualifications, experience and examination requirements for licensure as an architect.

1. Overview

Applicants for licensure by examination must satisfy the requirements of at least one of the pathways to licensure as set forth in this Chapter.

2. Incorporation by Reference

The board hereby incorporates the following guidelines and standards into the board's rules by reference:

1. Architectural Experience Program Guidelines, © 2020 National Council of Architectural Registration Boards, effective May 2020 (hereinafter referred to as "NCARB Architectural Experience Program Guidelines"); and
2. *NCARB Education Standard* contained in Education Guidelines, © 2021 National Council of Architectural Registration Boards, effective January 2021 (hereinafter referred to as "*NCARB Education Standard*").

These publications are available from the National Council of Architectural Registration Boards, 1801 K Street, NW, Suite 700K, Washington, DC 20006, and are accessible online at www.ncarb.org.

2. Examination

1. The examination for architects is the ARE administered by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the ARE. The time, place and manner of examination and the standards for a passing grade shall be as determined by NCARB, including but not limited to any decisions regarding requests for testing accommodations.
2. Those individuals who wish to take the ARE shall contact NCARB directly to obtain exam eligibility.

3. Notwithstanding Section 2(2) of this Chapter, there is no requirement that an individual has fully completed the education and experience or experience alone required for licensure before sitting for any division of the ARE.

3. Pathways to Licensure

1. Professional Degree from NAAB Accredited Program. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving a Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in the United States and the degree program was accredited by NAAB not later than two (2) years after the degree was received;

and
 - B. Demonstrating completion of the NCARB Architectural Experience Program (AXP);

and
 - C. Demonstrating a passing grade on each division of the ARE.
2. Professional Degree in Architecture from a Program Accredited or Certified by CACB. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving one of the following:
 - i. A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in Canada and the degree program was accredited by CACB not later than two (2) years after the degree was received;

or
 - ii. A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from a Canadian university that was certified by CACB;

and
 - B. Demonstrating at least three (3) years' full time architectural work experience. The experience must be comprised of a combination of experience gained under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of either:
 - i. The Canadian provincial Internship in Architecture Program, as verified by the applicant's Canadian Experience Record Book;

or

ii. The NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

3. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as an architect by:

A. Providing evidence of receiving a professional degree from an architectural degree program that was neither accredited nor certified, but which substantially satisfies the credit hour and area distribution requirements for coursework set forth in the NCARB Education Standard;

and

B. Demonstrating at least three (3) years of full time architectural work experience. The experience must be comprised of a combination of experience gained under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and

C. Demonstrating a passing grade on each division of the ARE.

4. Pre-Professional Degree. An applicant may qualify for licensure as an architect by:

A. Providing evidence of receiving a 4-year baccalaureate degree with a concentration in architecture that is a component of an NAAB-accredited, CACB-accredited or CACB-certified professional degree program, including but not limited to Bachelor of Science in Architecture, Architectural Studies, or a major in architecture, or a Bachelor of Fine Arts in Architecture;

and

B. Demonstrating at least nine (9) years of full time architectural work experience. The experience must be comprised of a combination of experience gained under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and

- C. Demonstrating a passing grade on each division of the ARE.
- 5. Degree in Field Other than Architecture. An applicant may qualify for licensure as an architect by:
 - A. Providing evidence of receiving a bachelor's degree or higher in a field other than architecture;

and
 - B. Demonstrating at least eleven (11) years of full time architectural work experience. The experience must be comprised of a combination of experience gained under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and
 - C. Demonstrating a passing grade on each division of the ARE.
- 6. Experience Only. An applicant may qualify for licensure as an architect with no post-secondary baccalaureate or higher degree by:
 - A. Demonstrating at least thirteen (13) years of full time architectural work experience. The experience must be comprised of a combination of experience gained under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession and completion of the NCARB Architectural Experience Program (AXP);

and
 - B. Demonstrating a passing grade on each division of the ARE.

4. Application for Licensure

1. Form of Application and NCARB Record

An applicant for licensure as an architect shall submit an application on a form provided by the board and any fees required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

An applicant shall provide all evidence of satisfying the requirements for licensure to NCARB and direct NCARB to transmit their NCARB record directly to the board. The board reserves the right to require an applicant to submit other information needed to evaluate the application and qualifications for licensure.

An applicant who graduated from a non-accredited program or who earned their degree in a foreign country may be required, at the applicant's expense, to obtain an NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB, to determine whether the applicant's professional education substantially satisfied the credit hour and area distribution requirements for coursework set forth in the *NCARB Education Standard*.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

5. Display of License Number

1. Advertising and Promotional Materials

An architect shall display the legend "Maine Licensed Architect" in all advertising and promotional materials published by or on behalf of the named architect that relate to architectural services for Maine-located projects. Such materials include but are not limited to advertisements contained in print media, websites, and social media platforms.

2. Correspondence and Business Cards

An architect shall display the legend "Maine Licensed Architect" on the architect's business card and beneath the architect's name on all professional correspondence, proposals and solicitations signed by or on behalf of the named architect for Maine-located projects.

STATUTORY AUTHORITY: 32 M.R.S. §§ 214(1) and 220(1)(B); 221

EFFECTIVE DATE:

Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS

Summary: This chapter sets forth the educational qualifications, experience and examination requirements for licensure as a landscape architect.

1. Overview

Applicants for licensure by examination must satisfy the requirements as set forth in this Chapter.

2. Examination

1. The current examination for landscape architects is the LARE administered by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE. The time, place and manner of examination and the standards for a passing grade shall be as determined by CLARB, including but not limited to any decisions regarding requests for testing accommodations.

2. Exam Eligibility.

A. CLARB

Those individuals qualifying for examination through the pathway set forth in Section 3(1) of this Chapter who wish to take the LARE shall contact CLARB directly to obtain exam eligibility.

B. Application for Examination

Individuals qualifying for examination through any of the pathways set forth in Sections 3(2)-(4) of this Chapter who wish to take the LARE shall submit an application on a form approved by the Board, submit any required fee as set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation, and submit other information as requested.

3. Pathways for Qualification for Examination

1. Professional Degree from an Accredited Program. An applicant is qualified for the examination as set forth in Section 2(1) of this chapter by:

A. Providing evidence of receiving a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree, from a program that was accredited by LAAB or the Canadian Society of Landscape Architects Accreditation Council not later than two (2) years after the degree was received;

and

B. Demonstrating completion of two (2) years of experience in the regulated practice of landscape architecture, with a minimum of one (1) year under the direct supervision of a licensed landscape architect, and up to one (1) year of the remaining experience under the direct supervision of a licensed professional in a related field.

2. Professional Degree from Non-Accredited Program. An applicant is qualified for the examination as set forth in Section 2(1) of this chapter by:

A. Providing evidence of receiving a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was not accredited;

and

B. Demonstrating completion of four (4) years of experience in the regulated practice of landscape architecture, with a minimum of two (2) years under the direct supervision of a licensed landscape architect, and up to two (2) years of the remaining experience under the direct supervision of a licensed professional in a related field.

3. Other Professional Degrees. An applicant is qualified for the examination as set forth in Section 2(1) of this chapter by:

A. Providing evidence of a bachelor's degree or higher from a regionally-accredited institution in a field other than landscape architecture;

and

B. Demonstrating completion of six (6) years of experience in the regulated practice of landscape architecture, with a minimum of three (3) years under the direct supervision of a licensed landscape architect, and up to three (3) years of the remaining experience under the direct supervision of a licensed professional in a related field.

4. Experience Only. An applicant is qualified for the examination as set forth in Section 2(1) of this chapter by:

Demonstrating completion of eight (8) years of experience in the regulated practice of landscape architecture, with a minimum of at least four (4) years under

the direct supervision of a licensed landscape architect, and up to four (4) years of the remaining experience under the direct supervision of a licensed professional in a related field.

4. Experience in the Regulated Practice of Landscape Architecture

A. For the purposes of this Chapter, “experience in the regulated practice of landscape architecture,” means that an applicant must gain experience in the following areas:

- i. Project and Construction Management: includes pre-project management, project management, bidding, construction, and maintenance;
- ii. Inventory and Analysis: includes site inventory, physical analysis, and contextual analysis;
- iii. Design: includes stakeholder process, master planning, and site design; and
- iv. Grading, Drainage, and Construction Documentation: includes site preparation plans, general plans and details, specialty plans, and specifications.

B. A minimum of 50% of the experience in the regulated practice of landscape architecture must be performed under the direct supervision of a licensed landscape architect, and the remaining amount may be under the direct supervision of a licensed professional in a related field.

5. Application for Licensure

1. Form of Application and CLARB Record

A. An applicant for licensure as a landscape architect shall submit an application on a form provided by the board and any fees required by Chapter 10 of the rules of the Office of Professional and Occupational Regulation.

B. To qualify for licensure, an applicant that passed the examination after qualifying through the pathway set forth in Section 3(1) of this chapter shall provide all evidence of satisfying the requirements for licensure to CLARB and transmit their CLARB record, including evidence of having passed all divisions of the LARE, directly to the board. The board reserves the right to require an applicant to submit other information needed to evaluate the application and qualifications for licensure. Notwithstanding anything herein to the contrary, the board retains the sole discretion to make the final determination as to whether an applicant for licensure is sufficiently qualified.

C. To qualify for licensure, an applicant that passed the examination after qualifying through the pathways set forth in Sections 3(2)-(4) of this chapter shall

provide, in addition to the application and fee required by Section 5(1)(A), as applicable:

- i. Academic transcripts demonstrating satisfaction of applicable degree requirements;
- ii. Evidence of completion of the requisite years of experience in the regulated practice of landscape architecture; and
- iii. Proof of passage of all divisions of the LARE.

2. Completeness

The board will not act on an application until the application is complete. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be voided and the applicant would need to submit a new application and any required fee to reapply.

7. Display of Licensed Status

1. Advertising and Promotional Materials

A landscape architect shall display the legend “Maine Licensed Landscape Architect” in all advertising and promotional materials published by or on behalf of the named landscape architect that relate to landscape architectural services for Maine-located projects. Such materials include but are not limited to print media, web sites, and social media platforms.

2. Correspondence and Business Cards

A landscape architect shall display the legend “Maine Licensed Landscape Architect” on the landscape architect’s business card and beneath the landscape architect’s name on all professional correspondence, proposals and solicitations signed by or on behalf of the named landscape architect for Maine-located projects.

STATUTORY AUTHORITY: 32 M.R.S. §§ 214(1) and 220(2)(B)

EFFECTIVE DATE:

Chapter 17: GROUNDS FOR DISCIPLINARY ACTION

Summary: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial or nonrenewal of a license.

1. Introduction

The board may take disciplinary action against a licensee, or may deny or refuse to renew a license, for any of the reasons described in this chapter, for any violation of the board's rules, or for any violation described in 10 M.R.S. § 8003(5-A)(A).

2. Fraud, Deceit or Misrepresentation in Obtaining a License

The practice of fraud, deceit or misrepresentation in obtaining a license includes, but is not limited, to:

1. Falsification or misrepresentation of the education or experience of the applicant;
2. Falsification or misrepresentation of a recommendation or report offered or submitted to the board;
3. Cheating on a license examination;
4. Withholding or misrepresenting any information requested on an application, including any information regarding criminal or disciplinary action taken by any state against an applicant; or
5. Impersonating another applicant.

3. Fraud, Deceit or Misrepresentation in the Practice of Architecture, Landscape Architecture or Certified Interior Design

The practice of fraud, deceit or misrepresentation in the practice of architecture, landscape architecture or certified interior design includes, but is not limited, to:

1. Assisting the application for licensure of an applicant known by the architect, landscape architect or certified interior designer to be unqualified for licensure with respect to education, training, experience or character;
2. Practicing or attempting to practice, or aiding another to practice, beyond the scope of the license held;

3. Misrepresenting the type or status of license held or qualifications to practice;
4. Committing or aiding another to commit fraud, deceit or corruption in billing or payment; or
5. Impersonating another licensee.

4. Negligence in the Practice of Architecture, Landscape Architecture or Certified Interior Design

Negligence in the practice of architecture, landscape architecture or certified interior design includes, but is not limited, to:

1. Failure to act with reasonable diligence, care and competence;
2. Failure to apply the technical knowledge or skill which is ordinarily applied by an architect, landscape architect or certified interior designer in Maine; or
3. Failure to design a project that complies with all applicable federal, state and municipal building laws and regulations. While an architect, landscape architect or certified interior designer may rely on the advice of other professionals (e.g., attorneys and engineers), the licensee shall not knowingly design a project in violation of such laws and regulations once such advice has been obtained.

5. Incompetence in the Practice of Architecture, Landscape Architecture or Certified Interior Design

Incompetence in the practice or architecture, landscape architecture or certified interior design includes, but is not limited to:

1. Undertaking professional services that the architect, landscape architect or certified interior designer lacks the education, training, experience or skill to perform, unless the architect, landscape architect or certified interior designer associates with, consults or employs other professionals with the necessary qualifications or abilities.

6. Conflict of Interest

Conflict of interest includes, but is not limited to:

1. Accepting compensation for professional services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
2. Failing to disclose in writing to a client or employer any business association or direct or indirect financial interest which may influence the licensee's judgment in connection with the licensee's performance of professional services, or which may create an appearance of impropriety. If such a business association or financial interest exists, the licensee shall fully disclose the nature of the business association or financial interest to the licensee's client or employer in writing. If

the client or employer objects, the licensee shall either terminate the business association or financial interest or offer to give up the commission or employment. Notwithstanding the foregoing, violations of Section 6(3) of this chapter cannot be cured by disclosure.

3. Soliciting or accepting compensation from material or equipment suppliers in return for specifying or endorsing their products.

7. Disclosure Obligations of Architects, Landscape Architects and Certified Interior Designers

Architects, landscape architects and certified interior designers have the following disclosure obligations:

1. An architect, landscape architect or certified interior designer making public statements on architectural or design questions shall disclose when the licensee is being compensated for making such statements and identify the client on whose behalf the statements were made;
2. An architect, landscape architect or interior designer shall accurately represent to a prospective or existing client or employer the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is taking credit;
3. If, in the course of a licensee's work on a project, the licensee becomes aware of a decision taken by the licensee's employer or client against the licensee's advice, which decision violates applicable federal, state or municipal laws and regulations, and which decision will, in the licensee's judgment, materially and adversely affect the safety to the public of the finished project, the licensee shall:
 - A. Report the decision to the local building inspector or other public official charged with enforcement of the applicable federal, state or municipal laws or regulations;
 - B. Refuse to consent to the decision; and
 - C. In circumstances where the licensee reasonably believes that other such decisions will be taken notwithstanding the licensee's objection, terminate the licensee's services with respect to the project unless the matter is resolved by other means. A termination made pursuant to this subsection shall not be grounds for disciplinary action against the licensee.

8. Misconduct

Misconduct of an architect, landscape architect or certified interior designer includes, but is not limited to:

1. Failure to comply with the licensing or certification laws or rules governing the licensee's professional practice in any United States jurisdiction; and

2. Offering or giving any gifts, other than gifts of nominal value (e.g., reasonable entertainment or hospitality) with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the licensee is interested.
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STATUTORY AUTHORITY: 32 M.R.S. §214(1)

EFFECTIVE DATE:

Chapter 18: DOCUMENTATION

Summary: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five (5) years.

1. Sealing of Technical Submissions Prepared in the Absence of Direct Knowledge/Involvement and Control of an Architect or Landscape Architect

An architect or landscape architect may not seal technical submissions that were prepared in fact by another person unless:

1. Prototypical Building Construction Documents

- A. The technical submissions are prototypical building construction documents; and
- B. The sealing architect or landscape architect has reviewed the work of the other person and has integrated such work into the licensee's own technical submissions; or

2. Non-Prototypical Building Construction Documents

The sealing architect or landscape architect has:

- A. Familiarized themselves with the client's goals through meetings, telephone calls or program documents *prior to* their further preparation of technical submissions;
- B.
 - (1) Coordinated preparation of the technical submissions;
 - (2) Had significant and controlling personal involvement in the technical submissions; or
 - (3) Integrated the work into the licensee's own technical submissions; and
- C. Thoroughly reviewed the technical submissions upon completion.

A review (or review and correction) of completed technical submissions by a licensee who has not complied with subparagraph 1(2)(B) (1), (2) or (3) above does not meet the requirements of this subsection.

2. Retention of Technical Submissions Prepared by Others

An architect or landscape architect who integrates technical submissions prepared by another person into their own work pursuant to Chapter 18, Section 1 of the board's rules shall retain and make available to the board upon request for at least five (5) years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the licensee's review of and integration of the work of such other person into their own technical submissions.

3. Technical Submissions in Electronic Form

An architect, landscape architect or certified interior designer may rely upon technical submissions in electronic form (*e.g.*, portable document format), including the seals reproduced thereon, to the same extent as their physical counterparts.

STATUTORY AUTHORITY: 32 M.R.S. §214(1)

EFFECTIVE DATE: