

# 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:

### Repeal and Replace:

Chapter 10, Definitions  
Chapter 12, Licensure of Architects  
Chapter 13, Licensure of Landscape Architects  
Chapter 17, Grounds for Disciplinary Action  
Chapter 18, Documentation

### Repeal:

Chapter 15, Application for Licensure  
Chapter 19, Incorporation by Reference

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

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

## BRIEF SUMMARY:

The rulemaking proposes a repeal and replace of several chapters to update the board's rules, including updating definitions, amending the pathways and qualifications for licensure for architects and landscape architects; and proposes repealing chapters and relocating several sections of the current rules to other chapters.

The principal reasons for this proposed rulemaking are to align the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers' licensure requirements more closely with the requirements of the National Council of Architectural Registration Boards (NCARB) for architect licensure and the Council of Landscape Architectural Registration Boards (CLARB) for landscape architect licensure.

Revised rules will allow the majority of architect and landscape architect exam applicants to apply directly to NCARB/CLARB for the Architect Registration Examination (ARE) and Landscape Architect Registration Exam (LARE) in most instances without first paying an application fee to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.

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: Friday, May 19, 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](mailto: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](mailto: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. §§ 214(1), 220, 221

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

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](mailto:kristin.racine@maine.gov)

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\* 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.

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**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				

# Notice of Agency Rulemaking Proposal

## Additional Information for the Web *(if any)*

### DETAILED SUMMARY:

**Chapter 10, Definitions.** The proposed changes include adding a definition of “direct supervision” as that term is used in Chapter 12, Licensure of Architects, clarifying the definition of “prototypical building documents” to mean “prototypical building construction documents” and adding a definition of a “year of full time architectural work experience” to mean 40 hours a week for 50 weeks of the year. The proposed replacement rule would eliminate the definition of “diversified experience in landscape architecture,” as the board is proposing adopting “regulated practice of landscape architecture” as the standard for requisite experience for licensure, a term based on model CLARB Uniform Licensure standards.

**Chapter 12, Licensure of Architects.** The proposed changes include incorporating by reference the Architectural Experience Program Guidelines, © 2020 National Council of Architectural Registration Boards, effective May 2020, and the *NCARB Education Standard* contained in Education Guidelines, © 2021 National Council of Architectural Registration Boards, effective January 2021; reorganizing the pathways to licensure; amending the board’s rules to require completion of the NCARB Architectural Experience Program (“AXP”) for all pathways except for those completing the Canadian Provincial Internship in Architecture Program; incorporating rules on application for licensure previously located in Chapter 15; proposes eliminating the two-step process by which an applicant first applies for examination to the board and later for licensure after passing the Architectural Registration Examination (“ARE”); the replacement rule would direct all candidates to establish a record with the National Council of Architectural Registration Boards (“NCARB”) directly to take the examination and to provide evidence of satisfaction of one of the pathways to licensure to Maine to NCARB, which will then transmit the applicant’s record directly to the board at the applicant’s request at the time they apply for licensure in Maine. The rule also clarifies that 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 the National Architectural Accrediting Board (“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.

**Chapter 13, Licensure of Landscape Architects.** The proposed repeal and replace of this chapter aligns the pathways to licensure in Maine as a landscape architect with the Council of Landscape Architectural Registration Boards (“CLARB”) Uniform Licensure Standard for Landscape Architecture 2022, which includes a change to combining all non-landscape architecture degrees as part of one pathway to licensure which also requires passage of the Landscape Architect Registration Examination (“LARE”) and six (6) years of experience in the regulated practice of landscape architecture, as that term is defined in the rule; the rule eliminates “diversified” and “qualified experience” as well as “experience as a principal” from the licensure requirements; the rule provides that an individual applying for licensure on the basis of a Landscape Architectural Accreditation Board (“LAAB”)-accredited degree in landscape architecture may apply for examination directly through CLARB; whereas those applying through alternative pathways must apply to the board prior to taking the examination.

**Chapter 15, Application for Licensure.** The board proposes a complete repeal of this chapter, and has proposed incorporating relevant provisions in other chapters of the board's rules. The goal is for an applicant for licensure to be able to view all of the rules pertaining to application for licensure in one chapter without needing to cross reference multiple chapters.

**Chapter 17, Grounds for Disciplinary Action.** The board is proposing to repeal and replace this chapter with a rule that removes the section that makes Sealing of Technical Submissions Prepared in the Absence of Direct Knowledge/Involvement and Control of an Architect or Landscape Architect a ground for disciplinary action and relocates it to Chapter 18.

**Chapter 18, Documentation.** The board proposes a repeal and replacement rule which would add a section relocated from the current Chapter 17 (Sealing of Technical Submissions Prepared in the Absence of Direct Knowledge/Involvement and Control of an Architect or Landscape Architect) and add a section regarding technical submissions in electronic form.

**Chapter 19, Incorporation by Reference.** The board proposes a complete repeal of this chapter, as it proposes to instead incorporate the NCARB guidelines into Chapter 12, Licensure by Architects and to no longer incorporate the CLARB Standards of Eligibility for Council Certification into its rules, as CLARB informed board staff that it is advising its members to reference the CLARB Uniform Licensure Standard for Landscape Architecture instead of CLARB Certification.

## 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 04333-0035, 207-624-8518, TTY: Maine relay 711, [Catherine.Pendergast@maine.gov](mailto:Catherine.Pendergast@maine.gov)

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

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

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.

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

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

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:**

It is expected that the proposal will streamline the board's rules and the process for applicants for licensure. It is expected that the proposal will reduce staff time spent on processing examination applications and will expedite processing of applications for licensure for architects and landscape architects. It is expected that the professional experience requirements will be more readily understood and applied by both applicants for architect and landscape architecture licensure as well as by the board and board staff.

**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 US Jurisdiction's laws and rules; National Council of Architectural Registration Boards (NCARB) staff; NCARB Uniform Licensure Standards; Council of Landscape Architectural Registration Boards (CLARB) staff; and CLARB Uniform Licensure Standards.

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.*



**02-288**  
**BOARD FOR LICENSURE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND**  
**INTERIOR DESIGNERS**  
2022 - 2023 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **02-288**

AGENCY NAME: Department of Professional & Financial Regulation, Office of Professional & Occupational Regulation, **Board for Licensure of Architects, Landscape Architects and Interior Designers**

CONTACT INFORMATION FOR THE AGENCY **RULEMAKING LIAISON**: Kristin Racine,  
OPOR Staff Attorney, 35 State House Station, Augusta, ME 04333, 207-624-8615,  
kristin.racine@maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None.

**EXPECTED 2022-2023 RULE-MAKING ACTIVITY**: Rulemaking necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, to establish a process to issue a license by endorsement and to grant provisional licenses to applicants from other jurisdictions.

**CHAPTER 10: Definitions**

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

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

Changes may be necessary to define terms adopted for purposes related to other sections of the Board rules.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 11: Advisory Rulings**

STATUTORY AUTHORITY: 5 M.R.S. §§ 8051 and 9001(4)

PURPOSE: This chapter provides for the discretionary issuance of advisory rulings by the Board. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 12: Licensure of Architects**

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

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirements necessary for licensure as an architect. Changes may be necessary to clarify a provision or update the versions of guidelines and standards adopted by reference; and to amend provisions as necessary to implement P.L. 2021, c. 167, and P.L. 2021, c. 642, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

**CHAPTER 13: Licensure of Landscape Architects**

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

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a landscape architect. Changes may be necessary to clarify a provision and to amend provisions as necessary to implement P.L. 2021, c. 167 and P.L. 2021, c. 642, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 14: Licensure of Certified Interior Designers**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1) and 220-B(2) and (3)

PURPOSE: This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a certified interior designer. Changes may be necessary to clarify a provision, amend qualifications for licensure and the standards and/or guidelines adopted by reference, and to amend provisions as necessary to implement P.L. 2021, c. 167, with regards to licensure by endorsement.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 15: Application for Licensure**

STATUTORY AUTHORITY: 32 M.R.S. § 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

PURPOSE: This chapter sets forth the license application process and references the license fees established by the Office of Professional & Occupational Regulation. The contents of this chapter may be incorporated into other chapters, in which case this chapter would be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Applicants for licensure.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 16: License Denials and Disciplinary Procedure**

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

PURPOSE: This chapter sets forth a licensee's right to appeal certain Board actions and specifies the enforcement and disciplinary procedures used by the Board. Changes may be necessary to clarify a provision and/or relocate content to other chapters as appropriate.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 17: Grounds for Disciplinary Action**

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

PURPOSE: This chapter sets forth prohibited practices that may result in disciplinary action against a licensee, or denial of nonrenewal of a license. Information from complaint investigations may identify conduct that is not currently set out in this section of the rules or is needed to clarify professional standards.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 18: Documentation**

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

PURPOSE: This chapter authorizes reliance on technical submissions in electronic form and requires licensees to retain certain records for a period of five years. Changes may be necessary to clarify a provision.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

#### **CHAPTER 19: Incorporation by Reference**

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

PURPOSE: This chapter incorporates by reference codes and standards into the board's rules. Changes may be necessary to clarify a provision or to update the incorporated codes and standards to a current version. The contents of this chapter may be incorporated into other chapters, in which case this chapter would be repealed.

SCHEDULE FOR ADOPTION: Within one year, if necessary.

AFFECTED PARTIES: Licensees and the public.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

# COMPARISON BETWEEN CURRENT AND PROPOSED RULES

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

## Chapter 10: DEFINITIONS

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

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### 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~~Architectural 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. ~~5. — [deleted]~~
6. ~~6. — Diversified experience in landscape architecture. “Diversified experience in landscape architecture” means documented involvement in site analysis, site programming, design, construction documentation, code research, cost estimation and field observation across a range of project scales, project types and project settings.~~
5. ~~7. —~~ **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. ~~8. —~~ **LARE.** “LARE” means Landscape Architect Registration Examination.
8. ~~9. —~~ **Licensee.** “Licensee” means an architect, landscape architect or certified interior designer who is licensed by the board.

9. ~~10.~~ **NAAB.** “NAAB” means National Architectural Accrediting Board.
10. ~~11.~~ **NCARB.** “NCARB” means National Council of Architectural Registration Boards.
11. ~~12.~~ **NCIDQ.** “NCIDQ” means National Council of Interior Design Qualification.
- ~~13~~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.
- ~~14~~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.
- ~~15~~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 full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.
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STATUTORY AUTHORITY: 32 ~~MRSA~~M.R.S. § 214(1)

EFFECTIVE DATE:

~~June 3, 2009~~ ~~filing 2009-221~~

AMENDED:

~~November 5, 2012~~ ~~filing 2012-303~~

## Chapter 12: LICENSURE OF ARCHITECTS

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

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### 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 in board rules 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](http://www.ncarb.org).

### 2. Examination

~~Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.~~

### 2. ~~Qualifying Education~~

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 ~~in Architecture From an~~ from NAAB Accredited Program. An applicant may qualify for licensure as an architect by:
  - ~~A. The applicant received~~
  - 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;
  - ~~B. The applicant received a~~  
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~~
    - ~~C. The applicant received a~~  
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 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 2.—

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

Professional Degree ~~in Architecture From a~~ Non-Accredited Program

3. ~~The. An~~ applicant ~~received~~ 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 ~~as described in Section 2(1) of this chapter~~, but which ~~satisfied~~ substantially satisfies the credit hour and area distribution requirements for coursework set forth in the NCARB Education Standard ~~contained in NCARB Education Guidelines (NCARB July 2016);~~

3. ~~Pre-Professional Degree in Architectural Studies~~

The applicant received  
and

B. Demonstrating at least three (3) years of full time architectural work experience and 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;

~~—Bachelor of Science in Architecture~~

~~—Bachelor of Science in Architectural Studies~~

~~—Bachelor of Science with a major in architecture~~

~~—Bachelor of Fine Arts in Architecture~~

**4. ~~Degree in Field Other Than Architecture~~**

~~The applicant received a bachelor degree or higher from a regionally accredited institution in a field other than architecture.~~

**3. ~~Qualifying Experience~~**

**1. ~~NCARB Architectural Experience Program~~**

~~The applicant completed the NCARB Architectural Experience Program as verified by the applicant's NCARB Record.~~

**2. ~~Canadian Internship~~**

~~The applicant completed the Canadian provincial Internship in Architecture Program, as verified by the applicant's Canadian Experience Record Book.~~

**3. ~~Office Experience~~**

~~The applicant acquired practical  
and~~

B. Demonstrating at least nine (9) years of full time architectural work experience 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

A.B. Demonstrating at least eleven (11) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession; and ~~can demonstrate completion of the minimum experience required in each of the categories outlined in the NCARB Architectural Experience Program Guidelines (NCARB June 2016). (AXP);~~

~~For purposes of this subsection, "direct supervision" means supervision through personal contact or through a mix of personal contact and 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 his or her work experience within the professional standard of care.~~

#### ~~4. Education and~~ and

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

### Experience: Pathways to Licensure

Only. An applicant ~~shall demonstrate an acceptable combination of education and experience, or experience alone, as described in the 4 pathways to~~ may qualify for licensure ~~contained in this section.~~

#### ~~1. Professional Degree and Experience~~

~~The applicant received a professional degree in architecture from an accredited or non-accredited program and completed the qualifying experience outlined in Section 3 of this chapter.~~

#### ~~2. Pre-Professional Degree and Experience~~

~~The applicant received a pre-professional degree in architectural studies and completed 9 years of qualifying experience.~~

#### ~~3. Degree in Field Other than Architecture as an architect with~~ and Experience

~~The applicant received a bachelor degree or higher in a field other than architecture and completed 11 years of qualifying experience.~~

~~4. Experience Alone~~

~~6. The applicant has~~ no post-secondary baccalaureate or higher degree ~~and completed by:~~

~~A. Demonstrating at least thirteen (13) years of qualifying experience, full time architectural work experience 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);~~

~~5.~~  
~~and~~

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

**Application for Examination**

~~The current examination for architects is the Architect Registration Examination developed by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the ARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by NCARB. Passing grades shall be as determined by NCARB.~~

**4. ~~6.~~ Licensure without Examination (Reciprocity)**

**1. With NCARB Certificate**

~~An architect license may be issued without examination to an applicant who is currently licensed in another state~~**Form of Application** ~~and holds a current and valid NCARB certificate.~~**Record**

**2. Without NCARB Certificate**

~~An applicant for licensure as an architect license may be issued without examination to an~~ applicant 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 is currently licensed in another state graduated from a non-accredited program or who earned their degree in a foreign country provided that the board determines that the requirements for licensure 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 ~~other state or foreign country at 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 of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter 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.

## **75. 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 ~~telephone directories, newspaper and magazine advertisements, and web sites 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.

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

EFFECTIVE DATE:

~~June 3, 2009 — filing 2009-223~~

**AMENDED:**

~~November 5, 2012 — filing 2012-304~~

~~February 13, 2017 – filing 2017-017~~

## Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS

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

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### 1. Overview

~~Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, landscape architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.~~

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. 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. ~~Qualifying Education~~ Exam Eligibility.

#### A. CLARB

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

#### B. Application for Examination

Individuals qualifying for licensure through the pathway 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. 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 LARE.

### **3. Pathways to Licensure**

1. Professional Degree ~~in Landscape Architecture~~ from an Accredited Program. An applicant may qualify for licensure as a landscape architect by:

The applicant received

- 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. ~~Any degree awarded less than two years prior to the accreditation of the program will be accepted as an accredited degree. Any degree awarded after a program has ceased to be accredited will not be accepted as an accredited degree. not later than two (2) years after the degree was received;~~

2. ~~Non-Accredited Landscape Architecture Degree Programs; Graduate Degrees in Other Design Disciplines~~

A. ~~The applicant received~~  
and

- B. Demonstrating completion of two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- C. Demonstrating a passing grade on each division of the LARE.

2. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as a landscape architect 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 ~~as described in Section 2(1) of this chapter;~~

and

- B. Demonstrating completion of four (4) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and B. ~~The applicant received:~~

- ~~(1) — A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution and the degree program was accredited by NAAB not later than 2 years after the degree was received;~~
- ~~(2) — 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 2 years after the degree was received; or~~
- ~~(3) — A Bachelor of Architecture, Master of Architecture or equivalent degree from a Canadian university that was certified by CACB.~~

~~C. — The applicant received a degree in civil engineering from an academic institution accredited by ABET.~~

### ~~3. — Other Bachelor Degree~~

~~The applicant received a bachelor~~

~~C. Demonstrating a passing grade on each division of the LARE.~~

### ~~3. Other Professional Degrees. An applicant may qualify for licensure as a landscape architect by:~~

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

~~and~~

~~B. Demonstrating completion of six (6) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;~~

### ~~1. — and Qualifying Experience~~

~~Qualifying experience consists of:~~

~~Diversified~~

~~C. Demonstrating a passing grade on each division of the LARE.~~

### ~~4. Experience Only. An applicant may qualify for licensure as a landscape architect by:~~



- ~~1. Demonstrating completion of eight (8) years of experience in landscape architecture lawfully practicing as a principal;~~
- A. ~~Diversified experience in the regulated practice of~~ landscape architecture under the direct supervision of a licensed landscape architect ~~lawfully authorized to practice; or~~ a licensed professional in a related field;

~~and Diversified~~

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

#### 4. Experience in the Regulated Practice of Landscape Architecture

- A. For the purposes of this Chapter, “experience directly related to 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.

~~A.B. All experience in the regulated practice of landscape architecture must be performed under the direct supervision of a civil engineer, licensed landscape architect or credentialed planner; a licensed professional in a related field.~~

- ~~2. 50% of the applicant’s experience teaching in a LAAB-accredited program;~~

~~50% of the applicant’s~~

#### 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. An applicant qualifying for licensure 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 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.

C. An applicant qualifying for licensure 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;

~~3. —~~ii. Evidence of completion of the requisite years of experience in landscape architecture directly related to on-site construction, maintenance or installation procedures; or

50% of the applicant's non-diversified experience in the regulated practice of landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice, civil engineer, licensed architect or urban or regional planner.; and

~~For purposes of this section, "direct supervision" means that degree of supervision by a person overseeing the work of another, where both perform their work in the same office, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.~~

~~Qualifying experience is further subject to the evaluation criteria contained in "Standard of Eligibility for Council Certification," Section 3.3.3—3.3.7 (CLARB 2006).~~

~~Education and Experience:—~~ 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. ~~Pathways to Licensure~~

~~An applicant shall demonstrate an acceptable combination of education and experience as described in the 4 pathways to licensure contained in this section.~~

### 1. ~~Landscape Architecture Degree From Accredited Program and~~ Experience

~~The applicant received a first professional degree in landscape architecture from an accredited program and completed~~

A. ~~Two years of qualifying experience other than practice as a principal, of which at least 1 year consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

B. ~~Five years of diversified experience in landscape architecture lawfully practicing as a principal.~~

**2. ~~Landscape Architecture Degree From Non-Accredited Program/Other Graduate Design Degree and Experience~~**

~~The applicant received a landscape architecture degree from a non-accredited program, or a graduate degree in another design discipline, and completed~~

A. ~~Three years of qualifying experience other than practice as a principal, of which at least 2 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

B. ~~One year of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.~~

**3. ~~Other Bachelor Degree and Experience~~**

~~The applicant received a bachelor degree or higher from a regionally-accredited institution in a field other than landscape architecture, architecture or civil engineering and completed~~

A. ~~Five years of qualifying experience other than practice as a principal, of which at least 4 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

B. ~~Three years of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.~~

**4. ~~Experience Alone~~**

~~The applicant has no post-secondary baccalaureate or higher degree and has completed 12 years of qualifying experience other than practice as a principal, at least half of which consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice.~~

## **2. ~~Examination~~**

~~The current examination for landscape architects is the Landscape Architecture Registration Examination developed by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by CLARB. Passing grades shall be as determined by CLARB.~~

## **3. ~~Licensure Without Examination (Reciprocity)~~**

### **1. ~~With CLARB Certificate~~**

~~A landscape architect license may be issued without examination to an applicant who —~~

~~A. — Holds a current and valid CLARB certificate; and~~

~~B. — Obtained the CLARB certificate through having passed an examination described in Section 5 of this chapter.~~

### **2. ~~Without CLARB Certificate~~**

~~A landscape architect license may be issued without examination to an applicant who is currently licensed in another state or foreign country provided that the board determines that the requirements for licensure in the other state or foreign country at the time of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter.~~

## **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 ~~telephone directories, newspaper and magazine advertisements, and web sites~~sprint 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.

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

EFFECTIVE DATE:

~~June 3, 2009 — filing 2009-224~~

AMENDED:

~~November 5, 2012 — filing 2012-305~~

**Chapter 15: APPLICATION FOR LICENSURE**

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**Summary:** This chapter sets forth the license application process and references the license fees established by the Office of Professional and Occupational Regulation.

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**1. Application for Licensure**

**1. Form of Application**

An applicant for licensure as an architect, landscape architect or interior designer shall apply to the board on forms provided by the board. The applicant shall submit proof of education and experience in the form specified by the board and shall submit all other information required by the board.

**1. Completeness**

The board will not act on an application until the application is complete. Incomplete applications may be returned to the applicant. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be denied.

**2. Educational Equivalency: Architects**

An architect applicant who graduated from a non-accredited program described in Chapter 12, Section 2(2) shall submit with the application, for review by the board, an evaluation report from the Education Evaluation Services for Architects stating that the applicant's professional education met the NCARB Education Requirements.

**3. Foreign Applicants**

- A. — An architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation from Educational Evaluation Services for Architects, if requested by the board, and translations of any documents deemed necessary by the board to properly evaluate the architect's experience.
- B. — A landscape architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation, if requested

by the board, and translations of any documents deemed necessary by the board to properly evaluate the landscape architect's experience.

**2. ~~Examination [Architects and Landscape Architects Only]~~**

1. ~~**Architects.** A person applying for licensure as an architect by examination may register for examination only after an application has been preliminarily approved by the board.~~

A. ~~Candidates seeking licensure via the pathway outlined in Chapter 12, Section 4(1) of these rules shall be eligible for the examination upon completion of the qualifying education outlined in Chapter 12, Section 2(1)-(2), or enrollment in a NAAB-accredited degree program approved by the board. Such applicants shall have started the Architectural Experience Program by establishing an NCARB record.~~

B. ~~All other candidates shall complete the requirements outlined in Chapter 12, Section 4(2)-(4) to be eligible for the examination.~~

~~The license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

2. ~~**Landscape Architects.** A landscape architect license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

**3. ~~Fees~~**

~~The applicant shall remit the application, examination and license fees required by Chapter 10, Section 4(4) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."~~

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009-226~~

AMENDED:

~~February 13, 2017 filing 2017-018~~

## Chapter 17: GROUNDS FOR DISCIPLINARY ACTION

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

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### 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 ~~MRSA-§~~M.R.S. § 8003(5-A)(A).

### 1. 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.

### 2. 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.

**3. 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.

**4. 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.

~~2. 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 Documents~~

~~A. The technical submissions are prototypical building documents; and~~

~~A. 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 Documents~~

~~The sealing architect or landscape architect has:~~

~~A. Familiarized him/herself with the client's goals through meetings, telephone calls or program documents prior to his/her further preparation of technical submissions;~~

~~B. (1) Coordinated preparation of the technical submissions;~~

~~(1) Had significant and controlling personal involvement in the technical submissions; or~~

~~(2) 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) or (3) above does not meet the requirements of this subsection.~~

~~This section does not apply to technical submissions prepared by an architect or landscape architect in practice with or previously employed by the same firm as the sealing architect or landscape architect, or where a former client of the architect or landscape architect who prepared technical submissions has made a bona fide decision to obtain further professional services from the sealing architect or landscape architect.~~

## 5. 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 7(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.

## **6. 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.

## **7. 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:

~~June 3, 2009 filing 2009-228~~

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Chapter 18: DOCUMENTATION

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**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.

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~~1. Technical Submissions in Electronic Form~~

**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 ~~or certified interior designer~~ may ~~rely upon~~ not seal technical submissions ~~received that were prepared in electronic form (e.g., portable document format), including the seals reproduced thereon, 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* the same extent as their physical counterparts. 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) 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 ~~his or her~~their own work pursuant to Chapter ~~17~~18, Section ~~6~~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 ~~his or her~~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.

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

EFFECTIVE DATE:

~~June 3, 2009~~ filing 2009-229

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~~Chapter 19: INCORPORATION BY REFERENCE~~

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~~Summary: This chapter incorporates various external codes into the board's rules by reference.~~

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~~1. Incorporation by Reference~~

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

~~1. CLARB~~

~~A. Standards of Eligibility for Council Certification (CLARB 2006)~~

~~— This publication is available from the Council of Landscape Architectural  
Registration Boards, 1840 Michael Faraday Drive, Suite 200, Reston,  
VA 20190.~~

~~2. NCARB~~

~~A. Architectural Experience Program Guidelines (NCARB June 2016)~~

~~B. NCARB Education Standard contained in NCARB Education Guidelines  
(NCARB July 2016)~~

~~— 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/](http://www.ncarb.org/).~~

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~~STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B)~~

~~EFFECTIVE DATE:~~

~~— June 3, 2009 — filing 2009-230~~

~~AMENDED:~~

~~— November 5, 2012 — filing 2012-306~~

~~— February 13, 2017 — filing 2017-019~~

# PROPOSED RULES

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

## Chapter 10: DEFINITIONS

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

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### 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 Architectural 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 full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.

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

EFFECTIVE DATE:

**Chapter 12: LICENSURE OF ARCHITECTS**

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

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**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 in board rules 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](http://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 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 and 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 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 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 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.

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

EFFECTIVE DATE:

**Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS**

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

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**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. 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 licensure 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 licensure through the pathway 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. 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 LARE.

### 3. Pathways to Licensure

1. Professional Degree from an Accredited Program. An applicant may qualify for licensure as a landscape architect 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 under the direct supervision of a licensed landscape architect or a licensed professional in a related field;  
  
and
  - C. Demonstrating a passing grade on each division of the LARE.
2. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as a landscape architect 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 under the direct supervision of a licensed landscape architect or a licensed professional in a related field;  
  
and
  - C. Demonstrating a passing grade on each division of the LARE.
3. Other Professional Degrees. An applicant may qualify for licensure as a landscape architect 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 under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- C. Demonstrating a passing grade on each division of the LARE.

4. Experience Only. An applicant may qualify for licensure as a landscape architect by:

- A. Demonstrating completion of eight (8) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

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

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. All experience in the regulated practice of landscape architecture must be performed under the supervision of a licensed landscape architect or 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. An applicant qualifying for licensure 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 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.

C. An applicant qualifying for licensure 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.

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

EFFECTIVE DATE:

**Chapter 15: APPLICATION FOR LICENSURE**

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**Summary:** This chapter sets forth the license application process and references the license fees established by the Office of Professional and Occupational Regulation.

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**1. Application for Licensure**

**1. Form of Application**

An applicant for licensure as an architect, landscape architect or interior designer shall apply to the board on forms provided by the board. The applicant shall submit proof of education and experience in the form specified by the board and shall submit all other information required by the board.

**1. Completeness**

The board will not act on an application until the application is complete. Incomplete applications may be returned to the applicant. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be denied.

**2. Educational Equivalency: Architects**

An architect applicant who graduated from a non-accredited program described in Chapter 12, Section 2(2) shall submit with the application, for review by the board, an evaluation report from the Education Evaluation Services for Architects stating that the applicant's professional education met the NCARB Education Requirements.

**3. Foreign Applicants**

- A. — An architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation from Educational Evaluation Services for Architects, if requested by the board, and translations of any documents deemed necessary by the board to properly evaluate the architect's experience.
- B. — A landscape architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation, if requested

by the board, and translations of any documents deemed necessary by the board to properly evaluate the landscape architect's experience.

**2. ~~Examination [Architects and Landscape Architects Only]~~**

1. ~~**Architects.** A person applying for licensure as an architect by examination may register for examination only after an application has been preliminarily approved by the board.~~

A. ~~Candidates seeking licensure via the pathway outlined in Chapter 12, Section 4(1) of these rules shall be eligible for the examination upon completion of the qualifying education outlined in Chapter 12, Section 2(1)-(2), or enrollment in a NAAB-accredited degree program approved by the board. Such applicants shall have started the Architectural Experience Program by establishing an NCARB record.~~

B. ~~All other candidates shall complete the requirements outlined in Chapter 12, Section 4(2)-(4) to be eligible for the examination.~~

~~The license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

2. ~~**Landscape Architects.** A landscape architect license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

**3. ~~Fees~~**

~~The applicant shall remit the application, examination and license fees required by Chapter 10, Section 4(4) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."~~

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009-226~~

AMENDED:

~~February 13, 2017 filing 2017-018~~

**Chapter 17: GROUNDS FOR DISCIPLINARY ACTION**

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

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**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).

**1. 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.

**2. 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.

**3. 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.

**4. 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.

**5. 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 7(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.

## **6. 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.

## **7. 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**

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**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.

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**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) 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.

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

EFFECTIVE DATE:

~~Chapter 19: INCORPORATION BY REFERENCE~~

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~~Summary: This chapter incorporates various external codes into the board's rules by reference.~~

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~~1. Incorporation by Reference~~

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

~~1. CLARB~~

~~A. Standards of Eligibility for Council Certification (CLARB 2006)~~

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~~2. NCARB~~

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~~— 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/](http://www.ncarb.org/).~~

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~~STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B)~~

~~EFFECTIVE DATE:~~

~~— June 3, 2009 — filing 2009-230~~

~~AMENDED:~~

~~— November 5, 2012 — filing 2012-306~~

~~— February 13, 2017 — filing 2017-019~~

## 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:

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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. ~~5. — [deleted]~~
6. ~~6. — Diversified experience in landscape architecture. “Diversified experience in landscape architecture” means documented involvement in site analysis, site programming, design, construction documentation, code research, cost estimation and field observation across a range of project scales, project types and project settings.~~
5. ~~7. —~~ **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. ~~8. —~~ **LARE.** “LARE” means Landscape Architect Registration Examination.
8. ~~9. —~~ **Licensee.** “Licensee” means an architect, landscape architect or certified interior designer who is licensed by the board.

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10. ~~11.~~ **NCARB.** “NCARB” means National Council of Architectural Registration Boards.
11. ~~12.~~ **NCIDQ.** “NCIDQ” means National Council of Interior Design Qualification.
- ~~13~~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.
- ~~14~~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.
- ~~15~~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 full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.
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STATUTORY AUTHORITY: 32 ~~MRSA~~M.R.S. § 214(1)

EFFECTIVE DATE:

~~June 3, 2009~~ ~~filing 2009-221~~

AMENDED:

~~November 5, 2012~~ ~~filing 2012-303~~

## Chapter 12: LICENSURE OF ARCHITECTS

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

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### 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 in board rules 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](http://www.ncarb.org).

### 2. Examination

~~Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.~~

### 2. ~~Qualifying Education~~

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 ~~in Architecture From an~~ from NAAB Accredited Program. An applicant may qualify for licensure as an architect by:
  - ~~A. The applicant received~~
  - 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;
  - ~~B. The applicant received a~~  
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~~
    - ~~C. The applicant received a~~  
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 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 2.—

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

Professional Degree in Architecture From a Non-Accredited Program

3. The An applicant received 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 ~~as described in Section 2(1) of this chapter~~, but which ~~satisfied~~ substantially satisfies the credit hour and area distribution requirements for coursework set forth in the NCARB Education Standard ~~contained in NCARB Education Guidelines (NCARB July 2016);~~

3. — Pre-Professional Degree in Architectural Studies

The applicant received  
and

B. Demonstrating at least three (3) years of full time architectural work experience and 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;

~~—Bachelor of Science in Architecture~~

~~—Bachelor of Science in Architectural Studies~~

~~—Bachelor of Science with a major in architecture~~

~~—Bachelor of Fine Arts in Architecture~~

**4. ~~Degree in Field Other Than Architecture~~**

~~The applicant received a bachelor degree or higher from a regionally accredited institution in a field other than architecture.~~

**3. ~~Qualifying Experience~~**

**1. ~~NCARB Architectural Experience Program~~**

~~The applicant completed the NCARB Architectural Experience Program as verified by the applicant's NCARB Record.~~

**2. ~~Canadian Internship~~**

~~The applicant completed the Canadian provincial Internship in Architecture Program, as verified by the applicant's Canadian Experience Record Book.~~

**3. ~~Office Experience~~**

~~The applicant acquired practical  
and~~

B. Demonstrating at least nine (9) years of full time architectural work experience 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

A.B. Demonstrating at least eleven (11) years of full time architectural work experience under the direct supervision of an experienced and licensed architect or architects engaged in the practice of architecture as a profession; and ~~can demonstrate completion of the minimum experience required in each of the categories outlined in the NCARB Architectural Experience Program Guidelines (NCARB June 2016). (AXP);~~

~~For purposes of this subsection, "direct supervision" means supervision through personal contact or through a mix of personal contact and 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 his or her work experience within the professional standard of care.~~

#### ~~4. Education and~~ and

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

### Experience: Pathways to Licensure

Only. An applicant ~~shall demonstrate an acceptable combination of education and experience, or experience alone, as described in the 4 pathways to~~ may qualify for licensure ~~contained in this section.~~

#### ~~1. Professional Degree and Experience~~

~~The applicant received a professional degree in architecture from an accredited or non-accredited program and completed the qualifying experience outlined in Section 3 of this chapter.~~

#### ~~2. Pre-Professional Degree and Experience~~

~~The applicant received a pre-professional degree in architectural studies and completed 9 years of qualifying experience.~~

#### ~~3. Degree in Field Other than Architecture as an architect with~~ and Experience

~~The applicant received a bachelor degree or higher in a field other than architecture and completed 11 years of qualifying experience.~~

~~4. Experience Alone~~

~~6. The applicant has~~ no post-secondary baccalaureate or higher degree ~~and completed by:~~

~~A. Demonstrating at least thirteen (13) years of qualifying experience, full time architectural work experience 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);~~

~~5.~~  
~~and~~

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

**Application for Examination**

~~The current examination for architects is the Architect Registration Examination developed by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the ARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by NCARB. Passing grades shall be as determined by NCARB.~~

**4. ~~6.~~ Licensure without Examination (Reciprocity)**

**1. With NCARB Certificate**

~~An architect license may be issued without examination to an applicant who is currently licensed in another state~~**Form of Application** ~~and holds a current and valid NCARB certificate.~~**Record**

**2. Without NCARB Certificate**

~~An applicant for licensure as an architect license may be issued without examination to an~~ applicant 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 is currently licensed in another state graduated from a non-accredited program or who earned their degree in a foreign country provided that the board determines that the requirements for licensure 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 ~~other state or foreign country at 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 of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter 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.

## **75. 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 ~~telephone directories, newspaper and magazine advertisements, and web sites~~ 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.

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

EFFECTIVE DATE:

~~June 3, 2009 — filing 2009-223~~

**AMENDED:**

~~November 5, 2012 — filing 2012-304~~

~~February 13, 2017 – filing 2017-017~~

## Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS

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

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### 1. Overview

~~Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, landscape architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.~~

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. 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. ~~Qualifying Education~~ Exam Eligibility.

#### A. CLARB

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

#### B. Application for Examination

Individuals qualifying for licensure through the pathway 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. 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 LARE.

### **3. Pathways to Licensure**

1. Professional Degree ~~in Landscape Architecture~~ from an Accredited Program. An applicant may qualify for licensure as a landscape architect by:

The applicant received

- 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. ~~Any degree awarded less than two years prior to the accreditation of the program will be accepted as an accredited degree. Any degree awarded after a program has ceased to be accredited will not be accepted as an accredited degree. not later than two (2) years after the degree was received;~~

2. ~~Non-Accredited Landscape Architecture Degree Programs; Graduate Degrees in Other Design Disciplines~~

A. ~~The applicant received~~  
and

- B. Demonstrating completion of two (2) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- C. Demonstrating a passing grade on each division of the LARE.

2. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as a landscape architect 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 ~~as described in Section 2(1) of this chapter;~~

and

- B. Demonstrating completion of four (4) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;



and B. ~~The applicant received:~~

- ~~(1) — A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution and the degree program was accredited by NAAB not later than 2 years after the degree was received;~~
- ~~(2) — 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 2 years after the degree was received; or~~
- ~~(3) — A Bachelor of Architecture, Master of Architecture or equivalent degree from a Canadian university that was certified by CACB.~~

~~C. — The applicant received a degree in civil engineering from an academic institution accredited by ABET.~~

### ~~3. — Other Bachelor Degree~~

~~The applicant received a bachelor~~

~~C. Demonstrating a passing grade on each division of the LARE.~~

### 3. Other Professional Degrees. An applicant may qualify for licensure as a landscape architect by:

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

and

B. Demonstrating completion of six (6) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

### ~~1. —~~ and **Qualifying Experience**

~~Qualifying experience consists of:~~

~~Diversified~~

~~C. Demonstrating a passing grade on each division of the LARE.~~

### 4. Experience Only. An applicant may qualify for licensure as a landscape architect by:

~~1. Demonstrating completion of eight (8) years of experience in landscape architecture lawfully practicing as a principal;~~

~~A. Diversified experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect lawfully authorized to practice; or a licensed professional in a related field;~~

~~and Diversified~~

~~B. Demonstrating a passing grade on each division of the LARE.~~

#### 4. Experience in the Regulated Practice of Landscape Architecture

~~A. For the purposes of this Chapter, “experience directly related to 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.~~

~~A.B. All experience in the regulated practice of landscape architecture must be performed under the direct supervision of a civil engineer, licensed landscape architect or credentialed planner; a licensed professional in a related field.~~

~~2. 50% of the applicant’s experience teaching in a LAAB-accredited program;~~

~~50% of the applicant’s~~

#### 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. An applicant qualifying for licensure 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 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.

C. An applicant qualifying for licensure 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;

~~3. —~~ii. Evidence of completion of the requisite years of experience in landscape architecture directly related to on-site construction, maintenance or installation procedures; or

50% of the applicant's non-diversified experience in the regulated practice of landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice, civil engineer, licensed architect or urban or regional planner.; and

~~For purposes of this section, "direct supervision" means that degree of supervision by a person overseeing the work of another, where both perform their work in the same office, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.~~

~~Qualifying experience is further subject to the evaluation criteria contained in "Standard of Eligibility for Council Certification," Section 3.3.3—3.3.7 (CLARB 2006).~~

~~Education and Experience:—~~ 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. ~~Pathways to Licensure~~

~~An applicant shall demonstrate an acceptable combination of education and experience as described in the 4 pathways to licensure contained in this section.~~

### 1. ~~Landscape Architecture Degree From Accredited Program and~~ Experience

~~The applicant received a first professional degree in landscape architecture from an accredited program and completed~~

A. ~~Two years of qualifying experience other than practice as a principal, of which at least 1 year consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

B. ~~Five years of diversified experience in landscape architecture lawfully practicing as a principal.~~

**2. ~~Landscape Architecture Degree From Non-Accredited Program/Other Graduate Design Degree and Experience~~**

~~The applicant received a landscape architecture degree from a non-accredited program, or a graduate degree in another design discipline, and completed~~

A. ~~Three years of qualifying experience other than practice as a principal, of which at least 2 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

B. ~~One year of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.~~

**3. ~~Other Bachelor Degree and Experience~~**

~~The applicant received a bachelor degree or higher from a regionally-accredited institution in a field other than landscape architecture, architecture or civil engineering and completed~~

A. ~~Five years of qualifying experience other than practice as a principal, of which at least 4 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or~~

B. ~~Three years of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.~~

**4. ~~Experience Alone~~**

~~The applicant has no post-secondary baccalaureate or higher degree and has completed 12 years of qualifying experience other than practice as a principal, at least half of which consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice.~~

## **2. ~~Examination~~**

~~The current examination for landscape architects is the Landscape Architecture Registration Examination developed by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by CLARB. Passing grades shall be as determined by CLARB.~~

## **3. ~~Licensure Without Examination (Reciprocity)~~**

### **1. ~~With CLARB Certificate~~**

~~A landscape architect license may be issued without examination to an applicant who —~~

~~A. — Holds a current and valid CLARB certificate; and~~

~~B. — Obtained the CLARB certificate through having passed an examination described in Section 5 of this chapter.~~

### **2. ~~Without CLARB Certificate~~**

~~A landscape architect license may be issued without examination to an applicant who is currently licensed in another state or foreign country provided that the board determines that the requirements for licensure in the other state or foreign country at the time of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter.~~

## **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 ~~telephone directories, newspaper and magazine advertisements, and web sites~~sprint 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.

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

EFFECTIVE DATE:

~~June 3, 2009 — filing 2009-224~~

AMENDED:

~~November 5, 2012 — filing 2012-305~~

**Chapter 15: APPLICATION FOR LICENSURE**

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**Summary:** This chapter sets forth the license application process and references the license fees established by the Office of Professional and Occupational Regulation.

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**1. Application for Licensure**

**1. Form of Application**

An applicant for licensure as an architect, landscape architect or interior designer shall apply to the board on forms provided by the board. The applicant shall submit proof of education and experience in the form specified by the board and shall submit all other information required by the board.

**1. Completeness**

The board will not act on an application until the application is complete. Incomplete applications may be returned to the applicant. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be denied.

**2. Educational Equivalency: Architects**

An architect applicant who graduated from a non-accredited program described in Chapter 12, Section 2(2) shall submit with the application, for review by the board, an evaluation report from the Education Evaluation Services for Architects stating that the applicant's professional education met the NCARB Education Requirements.

**3. Foreign Applicants**

- A. — An architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation from Educational Evaluation Services for Architects, if requested by the board, and translations of any documents deemed necessary by the board to properly evaluate the architect's experience.
- B. — A landscape architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation, if requested

by the board, and translations of any documents deemed necessary by the board to properly evaluate the landscape architect's experience.

**2. ~~Examination [Architects and Landscape Architects Only]~~**

1. ~~**Architects.** A person applying for licensure as an architect by examination may register for examination only after an application has been preliminarily approved by the board.~~

A. ~~Candidates seeking licensure via the pathway outlined in Chapter 12, Section 4(1) of these rules shall be eligible for the examination upon completion of the qualifying education outlined in Chapter 12, Section 2(1)-(2), or enrollment in a NAAB-accredited degree program approved by the board. Such applicants shall have started the Architectural Experience Program by establishing an NCARB record.~~

B. ~~All other candidates shall complete the requirements outlined in Chapter 12, Section 4(2)-(4) to be eligible for the examination.~~

~~The license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

2. ~~**Landscape Architects.** A landscape architect license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

**3. ~~Fees~~**

~~The applicant shall remit the application, examination and license fees required by Chapter 10, Section 4(4) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."~~

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009-226~~

AMENDED:

~~February 13, 2017 filing 2017-018~~



## Chapter 17: GROUNDS FOR DISCIPLINARY ACTION

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

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### 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 ~~MRSA-§~~M.R.S. § 8003(5-A)(A).

### 1. 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.

### 2. 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.

**3. 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.

**4. 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.

~~2. 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 Documents~~

~~A. The technical submissions are prototypical building documents; and~~

~~A. 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 Documents~~

~~The sealing architect or landscape architect has:~~

~~A. Familiarized him/herself with the client's goals through meetings, telephone calls or program documents prior to his/her further preparation of technical submissions;~~

~~B. (1) Coordinated preparation of the technical submissions;~~

~~(1) Had significant and controlling personal involvement in the technical submissions; or~~

~~(2) 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) or (3) above does not meet the requirements of this subsection.~~

~~This section does not apply to technical submissions prepared by an architect or landscape architect in practice with or previously employed by the same firm as the sealing architect or landscape architect, or where a former client of the architect or landscape architect who prepared technical submissions has made a bona fide decision to obtain further professional services from the sealing architect or landscape architect.~~

## 5. 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 7(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.

## **6. 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.

## **7. 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:

~~June 3, 2009 filing 2009 228~~

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Chapter 18: DOCUMENTATION

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**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.

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~~1. Technical Submissions in Electronic Form~~

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 ~~or certified interior designer~~ may ~~rely upon~~ not seal technical submissions ~~received that were prepared in electronic form (e.g., portable document format), including the seals reproduced thereon, 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* ~~the same extent as their physical counterparts.~~ 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) 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 ~~his or her~~their own work pursuant to Chapter ~~17~~18, Section ~~6~~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 ~~his or her~~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.

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

EFFECTIVE DATE:

~~June 3, 2009~~ filing 2009-229

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~~Chapter 19: INCORPORATION BY REFERENCE~~

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~~Summary: This chapter incorporates various external codes into the board's rules by reference.~~

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~~1. Incorporation by Reference~~

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

~~1. CLARB~~

~~A. Standards of Eligibility for Council Certification (CLARB 2006)~~

~~— This publication is available from the Council of Landscape Architectural  
Registration Boards, 1840 Michael Faraday Drive, Suite 200, Reston,  
VA 20190.~~

~~2. NCARB~~

~~A. Architectural Experience Program Guidelines (NCARB June 2016)~~

~~B. NCARB Education Standard contained in NCARB Education Guidelines  
(NCARB July 2016)~~

~~— 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/](http://www.ncarb.org/).~~

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~~STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B)~~

~~EFFECTIVE DATE:~~

~~— June 3, 2009 — filing 2009-230~~

~~AMENDED:~~

~~— November 5, 2012 — filing 2012-306~~

~~— February 13, 2017 — filing 2017-019~~



# PROPOSED RULES

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS

## Chapter 10: DEFINITIONS

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

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### 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 Architectural 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 full time architectural work experience.** “Year of full time architectural work experience” means 40 hours a week for 50 weeks of the year.

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

EFFECTIVE DATE:

## Chapter 12: LICENSURE OF ARCHITECTS

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

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### 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 in board rules 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](http://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 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 and 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 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 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 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.

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

EFFECTIVE DATE:

**Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS**

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**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 of at least one of the pathways to licensure 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 licensure 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 licensure through the pathway 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. 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 LARE.



### 3. Pathways to Licensure

1. Professional Degree from an Accredited Program. An applicant may qualify for licensure as a landscape architect 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 under the direct supervision of a licensed landscape architect or a licensed professional in a related field;  
  
and
  - C. Demonstrating a passing grade on each division of the LARE.
2. Professional Degree from Non-Accredited Program. An applicant may qualify for licensure as a landscape architect 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 under the direct supervision of a licensed landscape architect or a licensed professional in a related field;  
  
and
  - C. Demonstrating a passing grade on each division of the LARE.
3. Other Professional Degrees. An applicant may qualify for licensure as a landscape architect 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 under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

- C. Demonstrating a passing grade on each division of the LARE.

4. Experience Only. An applicant may qualify for licensure as a landscape architect by:

- A. Demonstrating completion of eight (8) years of experience in the regulated practice of landscape architecture under the direct supervision of a licensed landscape architect or a licensed professional in a related field;

and

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

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. All experience in the regulated practice of landscape architecture must be performed under the supervision of a licensed landscape architect or 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. An applicant qualifying for licensure 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 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.

C. An applicant qualifying for licensure 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.

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

EFFECTIVE DATE:

**Chapter 15: APPLICATION FOR LICENSURE**

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**Summary:** This chapter sets forth the license application process and references the license fees established by the Office of Professional and Occupational Regulation.

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**1. Application for Licensure**

**1. Form of Application**

An applicant for licensure as an architect, landscape architect or interior designer shall apply to the board on forms provided by the board. The applicant shall submit proof of education and experience in the form specified by the board and shall submit all other information required by the board.

**1. Completeness**

The board will not act on an application until the application is complete. Incomplete applications may be returned to the applicant. If an applicant does not remedy the deficiencies described by the board within the time designated by the board, the application may be denied.

**2. Educational Equivalency: Architects**

An architect applicant who graduated from a non-accredited program described in Chapter 12, Section 2(2) shall submit with the application, for review by the board, an evaluation report from the Education Evaluation Services for Architects stating that the applicant's professional education met the NCARB Education Requirements.

**3. Foreign Applicants**

- A. — An architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation from Educational Evaluation Services for Architects, if requested by the board, and translations of any documents deemed necessary by the board to properly evaluate the architect's experience.
- B. — A landscape architect applicant currently licensed in a foreign country shall furnish at the applicant's expense a transcript evaluation, if requested

by the board, and translations of any documents deemed necessary by the board to properly evaluate the landscape architect's experience.

**2. ~~Examination [Architects and Landscape Architects Only]~~**

1. ~~**Architects.** A person applying for licensure as an architect by examination may register for examination only after an application has been preliminarily approved by the board.~~

A. ~~Candidates seeking licensure via the pathway outlined in Chapter 12, Section 4(1) of these rules shall be eligible for the examination upon completion of the qualifying education outlined in Chapter 12, Section 2(1)-(2), or enrollment in a NAAB-accredited degree program approved by the board. Such applicants shall have started the Architectural Experience Program by establishing an NCARB record.~~

B. ~~All other candidates shall complete the requirements outlined in Chapter 12, Section 4(2)-(4) to be eligible for the examination.~~

~~The license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

2. ~~**Landscape Architects.** A landscape architect license will be issued upon the applicant's timely achievement of passing scores on all divisions of the applicable examination, provided that the board may request an updated application after receiving proof of passing scores and may decline to issue a license in the event that the applicant is no longer eligible for licensure.~~

**3. ~~Fees~~**

~~The applicant shall remit the application, examination and license fees required by Chapter 10, Section 4(4) of the rules of the Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."~~

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), 220-B(2) and (3)

EFFECTIVE DATE:

~~June 3, 2009 filing 2009-226~~

AMENDED:

~~February 13, 2017 filing 2017-018~~

**Chapter 17: GROUNDS FOR DISCIPLINARY ACTION**

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

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**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).

**1. 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.

**2. 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.

**3. 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.

**4. 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.

**5. 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 7(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.

## **6. 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.

## **7. 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**

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**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.

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**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) 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.

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

EFFECTIVE DATE:

~~Chapter 19: INCORPORATION BY REFERENCE~~

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~~Summary: This chapter incorporates various external codes into the board's rules by reference.~~

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~~1. Incorporation by Reference~~

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

~~1. CLARB~~

~~A. Standards of Eligibility for Council Certification (CLARB 2006)~~

~~— This publication is available from the Council of Landscape Architectural  
Registration Boards, 1840 Michael Faraday Drive, Suite 200, Reston,  
VA 20190.~~

~~2. NCARB~~

~~A. Architectural Experience Program Guidelines (NCARB June 2016)~~

~~B. NCARB Education Standard contained in NCARB Education Guidelines  
(NCARB July 2016)~~

~~— 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/](http://www.ncarb.org/).~~

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~~STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B)~~

~~EFFECTIVE DATE:~~

~~— June 3, 2009 — filing 2009-230~~

~~AMENDED:~~

~~— November 5, 2012 — filing 2012-306~~

~~— February 13, 2017 — filing 2017-019~~