

Annual List of Rulemaking Activity
Rules Adopted January 1, 2023 to December 31, 2023
Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)

Agency name: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers**

Umbrella-Unit: **02-288**

Statutory authority: 32 M.R.S. §§ 214(1), 220, 221

Chapter number/title: **Ch. 10**, Definitions
Ch. 12, Licensure of Architects
Ch. 13, Licensure of Landscape Architects
Ch. 17, Grounds for Disciplinary Action
Ch. 18, Documentation

Ch. 15, Application for Licensure (repeal)
Ch. 19, Incorporation by Reference (repeal)

Filing number: **2023-150 to 156**

Effective date: 9/15/2023

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

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.

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

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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

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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.

Basis statement:

The Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers (the “Board”) is charged by the Legislature with the regulation of architects, landscape architects and interior designers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 214 (1).

The proposed rulemaking would create the following chapter(s)

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

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The principal reasons for this rulemaking were 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.

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Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on April 19, 2023, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on April 19, 2023, posted on the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers webpage on April 19, 2023; interested parties were emailed a copy of the rulemaking package on April 19, 2023. The Fact Sheet was filed with the Legislative Council on April 11, 2023.

The written comment period was open through May 19, 2023 at 5:00 p.m.

At its May 30, 2023 meeting, the Board received comments regarding proposed changes to Chapter 13, Licensure of Landscape Architects. The commenters requested that the Board consider amending the proposed rule to require that one half of all of the required supervised experience that a landscape architect must have to qualify for examination be under the direct supervision of a licensed landscape architect. The remaining experience could be gained under the direct supervision of a licensed professional in a related field. The Board wanted to adopt this comment and propose the suggested change, and solicited comments from the public for an additional 30 days on those changes.

Additional changes were also proposed due to the following:

Board staff also noted a statutory provision requiring that a landscape architect meet certain minimum requirements for qualifying for examination, as opposed to licensure, and suggested changes to the proposed rule on the basis of this statutory language.

The Board also requested a definition be added to reflect a “year of experience in the regulated profession of landscape architecture” means 40 hours a week for 50 weeks a year.

Notice of the proposed additional changes was published in the Maine Secretary of State weekly notice on June 14, 2023, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on June 14, 2023, posted on the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers webpage on June 13, 2023; interested parties were emailed a copy of the rulemaking package on June 13, 2023. The Fact Sheet was filed with the Legislative Council on June 6, 2023.

The second written comment period was open through July 14, 2023 at 5:00 p.m.

At its July 18, 2023 meeting, the Board accepted the additional comment received and made some minor, non-substantive changes to clarify wording and correct typographical errors.

Fiscal impact of rule:

N/A

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Umbrella-Unit: **02-288**

Statutory authority: 32 M.R.S. §§ 214(1) and 220-D and 10 M.R.S. § 8003-H

Chapter number/title: **Ch. 12-A**, Licensure by Endorsement - Architects

Filing number: **2023-036**

Effective date: 3/5/2023

Type of rule: Routine Technical

Emergency rule: No

Principal reason or purpose for rule:

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

Basis statement:

The Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers (the “Board”) is charged by the Legislature with the regulation of architects, landscape architects and interior designers in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. § 214 (1) and 10 M.R.S. § 8003-H.

The proposed rulemaking would create the following chapter(s)

Chapter 12-A: Licensure by Endorsement - Architects

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

Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on November 30, 2022, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on November 30, 2022, posted on the Maine State Board of Licensure for Architects, Landscape Architects and Interior Designers webpage on November 28, 2022; bill sponsors were provided a copy of the proposed rulemaking on November 22, 2022; interested parties were emailed a copy of the rulemaking package on November 28, 2022. The Fact Sheet was filed with the Legislative Council on November 22, 2022.

The written comment period was open through January 4, 2023 at 5:00 p.m.

Fiscal impact of rule:

None anticipated.