

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Licensing of Landscape Architects

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §220, sub-§2, as amended by PL 1991, c. 824, Pt. A, §64, is repealed and the following enacted in its place:

2. Landscape architects. Landscape architects are subject to the provisions of this section.

A. A person may not practice landscape architecture or profess to practice landscape architecture or use the title or profess to be a "landscape architect" or "licensed landscape architect" or display or use any words, letters, figures, titles, signs, cards, advertisements or other symbols or devices indicating or tending to indicate that the person is a landscape architect or is practicing landscape architecture, nor may a person sign technical submissions unless that person is duly licensed by the board.

As used in this chapter, the practice of landscape architecture consists of rendering or offering to render services to clients by consultations and technical submissions for the purposes of landscape preservation, development and enhancement for properties open to and accessible by the general public where such services affect public safety, including projects involving site vehicular access and circulation ways, multi-vehicle parking areas, grading and drainage of such ways and areas and site grading that results in drainage flows that exceed previously existing drainage capacity. These services must apply artistic and scientific principals to the research, planning, design and management of both natural and built environments. These services may include but are not limited to the following activities:

- (1) Investigation, selection and allocation of land and water resources for appropriate use;
- (2) Formulation of graphic and written criteria to govern the planning, design and management of landscape construction programs;
- (3) Preparation, review and analysis of feasibility studies, visual impact assessments and master plans for land use and development;
- (4) Production of contract documents for landscape construction, which may include existing conditions plans, demolition plans, site improvements plans, layout plans, grading and drainage plans, lighting plans, irrigation plans, planting plans, construction detail plans and specifications;
- (5) Cost estimates for landscape construction;

(6) Field observation and inspection of landscape construction;

(7) Reclamation or rehabilitation of disturbed and historic landscapes;

(8) Determination of location and siting of improvements, including buildings and other features, as well as the access to and environs for those improvements; and

(9) Design of land forms, soil and water conservation methods, site lighting, water features, irrigation systems, plantings, pedestrian and site vehicular circulation systems and related construction details.

Practitioners of landscape architecture may collaborate in the design of buildings, roads, bridges and other structures with respect to the functional and aesthetic requirements of the landscape in which they are to be placed.

The practice of landscape architecture does not include the practice of architecture as defined in this chapter. A licensed landscape architect may do such architectural work as is incidental to the landscape architect's work.

A person licensed as a landscape architect pursuant to this subsection is entitled to practice within the scope of that person's knowledge, skill and abilities. This subsection may not be construed to affect or prevent the practice of any other legally recognized profession

B. A landscape architect must meet the qualifications established in this paragraph.

(1) To be qualified for admission to the examination to practice landscape architecture in this State, an applicant must submit evidence that:

(a) The applicant has completed a course of study in a school or college of landscape architecture approved by the board, with graduation evidenced by a diploma setting forth a satisfactory degree and 2 years of practical experience in landscape architectural work of a grade and character satisfactory to the board; or

(b) The applicant has training or practical experience, or a combination of both, that in the opinion of the board is fully equivalent to that required in division (a).

(2) An applicant for licensure as a landscape architect in this State who has a current and valid license from another jurisdiction and a certificate from a recognized council of landscape architecture registration boards may offer to render landscape architectural services in the State prior to licensure by the board as long as the applicant first notifies the board in writing that the applicant will be present in the State to offer to render landscape architectural services. The applicant may not render landscape architectural services until duly licensed by the board.

(3) An applicant for renewal of a license issued pursuant to this section shall submit evidence that the applicant meets the qualifications established by the board.

C. Corporations and partnerships are subject to the provisions of this paragraph.

(1) A corporation or partnership may not be licensed to practice landscape architecture in this State, but it is lawful for a corporation or partnership to practice landscape architecture in this State if:

(a) The practice of landscape architecture is under the direct supervision of a director or partner who is licensed to practice landscape architecture under this chapter; and

(b) At least 1/3 of the directors or partners of the corporation or partnership are licensed under the laws of any state to practice engineering, architecture or landscape architecture. If the total number of directors or partners is not divisible by 3, the number of directors or partners required to satisfy this requirement is determined by dividing the total number of directors or partners by 3 and rounding to the nearest whole number.

A corporation or partnership authorized to practice landscape architecture under this chapter shall, upon written request from the board, submit information concerning the organization and activities of the corporation or partnership.

(2) A corporation or partnership authorized under this chapter to practice landscape architecture in the State may offer to render architectural services beyond those architectural services that are incidental to the rendering of landscape architectural services if:

(a) The person who is rendering architectural services is a licensed architect under this chapter; and

(b) The architectural services offered are rendered by or under the direct supervision of a licensed architect.

(3) A corporation or partnership that may not otherwise offer to render landscape architectural services may offer to render those services if:

(a) A landscape architect licensed in the State or otherwise permitted to offer to render landscape architectural services participates substantially in all material aspects of the offering and supervises directly the landscape architectural services provided;

(b) The corporation or partnership provides written disclosure at the time of the offering that the landscape architect is engaged by and responsible contractually to the corporation or partnership; and

(c) The corporation or partnership provides written notice to any person who engages the corporation or partnership to receive the landscape architectural services offered, prior to termination of the landscape architect involved in the offering.

Sec. 2. 32 MRSA §226, sub-§1, ¶F, as enacted by PL 1991, c. 396, §21, is amended to read:

F. Officers or employees of the Federal Government or State Government ~~using the title "transportation landscape architect"~~engaged in the practice of landscape architecture in connection with their governmental employment;

Sec. 3. 32 MRSA §226, sub-§1, ¶H, as amended by PL 1993, c. 389, §16, is further amended to read:

H. Employees of those practicing lawfully as architects or landscape architects under this chapter from acting under the instructions, control or supervision of their employers; and

Sec. 4. Effective date. This Act takes effect January 1, 2009.

SUMMARY

This bill amends the licensing requirements and qualifications for landscape architects. This bill limits the scope of the practice of licensed landscape architecture to services provided for the purposes of landscape preservation, development and enhancement to properties that are open to and accessible by the public and affect public safety, such as site vehicular access and circulation, multi-vehicle parking areas and site grading that affects existing drainage capacity projects.

The changes made by this bill take effect January 1, 2009.