



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

MAINE

Maine Revised Statutes: Title 32, Chapter 3-A
Code of Maine Rules: Chapter 2, Section 288

Type of Law: Title act.

Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers

The board consists of five architects, one of whom may be a professor of architecture, one landscape architect, one interior designer and two public members appointed by the Governor. It is financed through a separate fund.

Powers: Administer, coordinate and enforce the law including the development of any necessary rules and regulations. [Process applications for licensure, issue and reinstate licenses, and investigate complaints.]

Definitions

Practice of landscape architecture: The rendering or offering to render services to clients by consultations and technical submissions and administration of construction contracts for the purposes of public land development and enhancement projects involving site vehicular access and circulation, multi-vehicle parking areas, grading and drainage of such ways and areas and site grading that results in drainage flows that exceed the previously existing drainage capacity, when such project submissions require the stamp or seal of a licensed professional for permit or approval by a municipal land ordinance, site plan ordinance, zoning ordinance or state land development law. These services must apply artistic and scientific principles to the research, planning, design and management of both natural and built environments.

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.

Direct supervision of a technical submission: The supervising licensee has personal knowledge of the technical submission and direct knowledge of involvement with and control over preparation of the technical submission, provided that persons consulting with or employed by the licensee who are otherwise licensed may provide direct supervision of portions of the technical submission. Those portions are determined to be under the direct supervision of the licensee if the licensee has reviewed those portions, coordinated their preparation and is responsible for their adequacy. [‘Supervision’ is defined in regulations as the “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.”]

Exemptions

Interprofessional practice: Architects and engineers are exempt for work which is incidental to their practice.

Note: Bracketed [] material is drawn from regulations.

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Exempt persons:

- Builders or superintendents employed by those builders supervising the installation of architectural or landscape architectural projects.
- Any person in the regular employment of a public utility carrying out work incidental to the person's employment
- Officers or employees of the Federal Government or State Government using the title transportation landscape architect in the practice of landscape architecture in connection with their governmental employment.

Eligibility Requirements – Initial Licensure

Successful completion of a written examination. Pathways to licensure are as follows:

- A first professional degree in landscape architecture from an [LAAB-approved] program and have 2 years of qualifying experience (other than practice as a principal), at least one of which must be diversified experience in landscape architectural work under the supervision of a licensed landscape architect.
- A first professional degree in landscape architecture from an [LAAB-approved] program and five years of diversified experience in landscape architecture lawfully practicing as a principal.
- A first professional degree in landscape architecture from a non-LAAB-approved program or a graduate degree in a another design discipline, plus three years of qualifying experience (other than practice as a principal), of at least 2 years of which must be diversified experience in landscape architectural work under the supervision of a licensed landscape architect.
- A first professional degree in landscape architecture from a non-LAAB-approved program or a graduate degree in a another design discipline, plus one year of diversified experience in landscape architecture under the direct supervision of a landscape architect and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.
- Applicants who have received a bachelors degree in a field other than landscape architecture, architecture, or civil engineering can qualify with five years of qualifying experience (other than practice as a principal), at least 4 of which must be diversified experience in landscape architectural work under the supervision of a licensed landscape architect.
- Applicants who have received a bachelors degree in a field other than landscape architecture, architecture, or civil engineering can qualify with five years of qualifying experience can also qualify with 3 years of diversified experience in landscape architecture under the direct supervision of a landscape architect and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.
- Applicants can also qualify without completing a post-secondary degree with 12 years of qualifying experience (other than practice as a principal), at least half of which consisted of diversified experience in landscape architectural work under the supervision of a licensed landscape architect.

[‘Qualifying experience’ includes the following options: (1) diversified experience in landscape architecture lawfully practicing as a principal; (2) diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; (3) diversified experience directly related to landscape architecture under the direct supervision of a civil engineer, licensed architect, or credentialed planner; (4) 50% of the applicant’s teaching in a LAAB-accredited program; (5) 50% of the applicant’s experience in landscape architecture directly related to onsite construction, maintenance or installation procedures; or (6) 50% of the applicants non-diversified experience in landscape architecture under the direct supervision of a landscape architect, civil engineer, architect or urban or regional planner.]

[‘Diverse experience in landscape architecture’ is defined as “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.”]

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[Fee: Application, \$100. Initial license and annual renewal, \$100.]

Eligibility Requirements – Reciprocal Licensure

CLARB certification or licensure in another state or foreign country provided that the board determines that the requirements for licensure at the time the license was issued were equivalent to the current requirements for licensure by examination in Maine.

[Fee: Application, \$200. Initial license and annual renewal, \$100.]

Practice Entities

A corporation or partnership may not be licensed to practice landscape architecture, but it is lawful for a corporation or partnership to practice landscape architecture if at least 1/3 of the directors or partners are licensed under the laws of any state to practice landscape architecture, architecture, or engineering and the practice of landscape architecture is under the direct supervision of a director/partner who is a Maine-licensed landscape architect.

A corporation or partnership that may not otherwise offer to render landscape architectural services may offer to render those services if a landscape architect or person 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, the corporation or partnership shall provide written disclosure at the time of the offering that the landscape architect is engaged by and responsible contractually to the corporation or partnership and the corporation or partnership shall provide 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.

Seal Requirements

Technical submissions prepared by or under the direct supervision of a licensed landscape architect must be stamped with the seal during the life of the licensee's license. Electronic form is permitted.

Enforcement

Board powers: The board may investigate, including holding necessary hearings and take appropriate disciplinary or enforcement action including suspending, revoking or refusing to renew a license. The District Court may revoke, suspend or refuse to renew any license if the licensee has violated any provision of the law or any rule or order of the board.

Prohibitions/penalties (applies to landscape architects, architects, and interior designers):

[Fraud, Deceit or Misrepresentation in Obtaining a License, includes: (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.

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.

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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.

Incompetence in the Practice of 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.

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

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.

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.

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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Violation of any provision of this chapter shall be a civil violation punishable by a fine of not more than \$1000.

Prohibitions/penalties for unlicensed use of the title: No person may use the title landscape architect or profess to be a landscape architect or sign drawings or specifications without being licensed.

Advertising

Requires landscape architects to display the legend "Maine Licensed Landscape Architect" on 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. Landscape architects must also include the legend 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.

Mandatory Continuing Education

Maine does not require continuing education for landscape architects as a condition of license renewal.

Last updated June 3, 2009 [fees; eligibility requirements; advertising; enforcement]

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