

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 13, Licensure of Landscape Architects

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 Chapter 13: Licensure of Landscape Architects. Changes to this rule are required as a result of PL 2023, c. 548, An Act to Amend Licensing Requirements for Landscape Architects, effective March 19, 2024. The revised law allows landscape architect exam applicants to apply directly to the Council of Landscape Architectural Registration Boards (CLARB) without first paying a fee to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers or completing education and experience requirements. Prior to adoption of PL 548, landscape architect examination candidates were required to meet education and experience requirements to qualify for admission to the exam.

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, June 28, 2024 by 5:00 p.m. Comments may be submitted in writing to the contact person for this filing.

CONTACT PERSON FOR THIS FILING: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY: Maine relay 711, 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: This proposed rulemaking is authorized by 32 M.R.S. §§ 214(1), 220(2)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): PL 2023, c. 548 (eff. Mar. 19, 2024)

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

* 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.

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	4946				

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Additional Information for the Web *(if any)*

DETAILED SUMMARY:

Rulemaking Fact Sheet (5 MRS A §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

CHAPTER NUMBER AND RULE TITLE:

Repeal and Replace:

Chapter 13, Licensure of Landscape Architects

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

STATUTORY AUTHORITY: 32 M.R.S. §§ 214(1), 220(2)(B); P.L. 2023, c. 548

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.

COMMENT DEADLINE: Friday, June 28, 2024 by 5:00 p.m.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: Public Law 2023, c. 548, An Act to Amend Licensing Requirements for Landscape Architects, effective March 19, 2024 removed the requirement that landscape architecture examination candidates complete their education and experience requirements prior to sitting for the Landscape Architect Registration Examination administered by the Council of Landscape Architectural Registration Boards (CLARB). Proposed changes to the rule are required to align the rule with the revised statute. The proposed rule also allows examination candidates to register directly with CLARB to take the exam without first submitting an application to the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.

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

ANALYSIS AND EXPECTED OPERATION OF THE RULE: It is expected that the proposed changes to Chapter 13 will align the board's rules regarding the examination and licensure process for landscape architect candidates with the board's enabling statute.

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 and Council of Landscape Architectural Registration Boards (CLARB) staff.

ESTIMATED FISCAL IMPACT OF THE RULE: None anticipated.

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.

Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS

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

1. Overview

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

2. Examination

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

2. Those individuals who wish to take the LARE shall contact CLARB directly to obtain exam eligibility.

3. Individuals are not required to fully complete the education and experience or experience alone required for licensure before sitting for any division of the LARE.

2. Exam Eligibility.

A. CLARB

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

B. Application for Examination

Individuals qualifying for examination through any of the pathways set forth in Sections 3(2)-(4) of this Chapter who wish to take the LARE shall submit an application on a form approved by the Board, submit any required

~~fee as set forth in Chapter 10 of the rules of the Office of Professional and Occupational Regulation, and submit other information as requested.~~

3. Pathways for Qualification for Examination-Licensure

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

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

and

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

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

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

and

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

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

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

and

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

4. Experience Only. An applicant ~~is qualified for the examination as set forth in Section 2(1) of this chapter~~ 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, with a minimum of at least four (4) years under the direct supervision of a licensed landscape architect, and up to four (4) years of the remaining experience under the direct supervision of ~~a licensed professional~~ in a related field~~:-~~;

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

5. Application for Licensure

1. Form of Application and CLARB Record

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

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

~~C.~~—~~To qualify for licensure, an applicant that passed the examination after qualifying through the pathways set forth in Sections 3(2)-(4) of this chapter shall provide, in addition to the application and fee required by Section 5(1)(A), as applicable:~~

~~i.~~—~~Academic transcripts demonstrating satisfaction of applicable degree requirements;~~

~~ii.~~—~~Evidence of completion of the requisite years of experience in the regulated practice of landscape architecture; and~~

~~iii.~~—~~Proof of passage of all divisions of the LARE.~~

2. Completeness

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

7. **Display of Licensed Status**

1. **Advertising and Promotional Materials**

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

2. **Correspondence and Business Cards**

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

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

EFFECTIVE DATE:

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

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