

Design Professional Requirement for Commercial Building Projects

In accordance with the Maine Uniform Building and Energy Code (MUBEC), specifically section 107.1 of the International Building Code (IBC), requires that when applying for a building permit, documents must be prepared by a registered design professional where required by statute. The applicable statutes supporting this licensing requirement are Title 32 chapter 3-A §220 and §226. If you have any questions regarding licensing, please contact:

Office of Professional & Occupational Regulation
35 State House Station, Augusta, ME 04333
Phone: 207-624-8522 Fax: 207-624-8637
Website: www.maine.gov/professionallicensing

Example: When a project requires a building permit under the scope of the IBC, a design professional must prepare the documents subject to section 107.1. Any person preparing technical submissions must be licensed in accordance with Title 32 chapter 3-A §220 unless exempt under §226-1, Practices or §226-2, Technical submissions. Under these exemptions, any practice listed in 226-1 or any technical documents prepared for projects listed in 226-2 may be done without a license.

IBC 2009 SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. **The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.** Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Commentary to section 107.1

This section establishes the requirement to provide the building official with construction drawings, specifications and other documents that describe the structure or system for which a permit is sought (see Section 202 for a complete definition). It describes the information that must be included in the documents, who must prepare them and procedures for approving them.

A detailed description of the work for which an application is made must be submitted. When the work can be briefly described on the application form and the services of a registered design

professional are not required, the building official may utilize judgment in determining the need for detailed documents. An example of work that may not involve the submission of detailed construction documents is the replacement of an existing 60-amp electrical service with a 200-amp service. Other sections of the code also contain specific requirements for construction documents, such as Sections 1603, 1901.4, 2101.3 and 3103.2. These provisions are intended to reflect the minimum scope of information needed to determine code compliance. Although this section specifies that "one or more" sets of construction documents be submitted, note that Section 106.3.1 requires one set of approved documents to be retained by the building official and one set to be returned to the applicant, essentially requiring at least two sets of construction documents. The building official should establish a consistent policy of the number of sets required by the jurisdiction and make this information readily available to applicants.

This section also requires the building official to determine that any state professional registration laws be complied with as they apply to the preparation of construction documents.

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 3-A: ARCHITECTS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS HEADING: PL 1993, c. 389, §4 (rpr)

§220. LICENSING REQUIREMENTS

1. Architects.

A. A person may not practice architecture or profess to practice architecture inside the State or use the title or profess to be an "architect" or "licensed architect" or display or use any words, letters, figures, titles, sign, card advertisement or other symbol or device indicating or tending to indicate that the person is an architect or is practicing architecture, or sign technical submissions unless the person is duly licensed by the board.

As used in this chapter, the practice of architecture consists of rendering or offering to render service to clients by consultations, investigations, technical submissions and a coordination of structural factors concerning the aesthetic or structural design and administration of construction contracts or any other service in connection with the designing or administration of construction contracts for buildings located inside the State that have as their principal purpose human occupancy or habitation, regardless of whether the persons are performing one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

As used in this chapter, the term "technical submissions" includes the preliminary studies, plans, designs, drawings, specifications and contract documents, as well as other documents, prepared in the course of practicing architecture or landscape architecture.

The practice of architecture does not include the practice of landscape architecture as defined in this chapter. A licensed architect may do landscape architectural work as is incidental to the architect's work. [2007, c. 402, Pt. F, §10 (AMD).]

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 3-A: ARCHITECTS, LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS HEADING: PL 1993, c. 389, §4 (rpr)

§226. EXCEPTIONS

1. Practices excepted. Nothing in this chapter may be construed to affect or prevent the practice of:

A. Supervision by builders or superintendents employed by those builders of the installation of architectural or landscape architectural projects; [1991, c. 396, §21 (RPR).]

B. Marine or naval architects acting within the scope of their profession or occupation; [1991, c. 396, §21 (RPR).]

C. Officers or employees of the Federal Government engaged inside the State in the practice of architecture for the Federal Government; [1991, c. 396, §21 (RPR).]

D. Any person in the regular employment of a public utility carrying out work incidental to the person's employment; [1991, c. 396, §21 (RPR).]

E. Any person who is qualified under section 1251 to use the title "professional engineer" from performing any professional engineering service as authorized in section 1251. Such service includes, but is not limited to consultation, investigation, evaluation, planning, design and responsible supervision and administration of construction contracts in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, and technical submissions, provided the person does only architectural or landscape architectural work that is incidental to the person's engineering work; [1991, c. 874, §2 (RPR).]

F. 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; [1991, c. 396, §21 (NEW).]

G. The preparation of details and shop drawings, or job-specific interpretations of technical submissions by architects, by persons other than architects, for use in connection with the execution of their work; [1993, c. 389, §16 (AMD).]

H. Employees of those practicing lawfully as architects under this chapter from acting under the instructions, control or supervision of their employers; and [1993, c. 389, §16 (AMD).]

I. A person who is qualified under this chapter to use the title "certified interior designer" from performing any interior design services. [1993, c. 389, §17 (NEW).]

[1993, c. 389, §§16,17 (AMD) .]

2. Technical submissions; construction or development. Nothing in this chapter may be construed to prevent any person from preparing technical submissions for, or administering construction contracts in, the erection, construction or development of:

A. Detached single or 2-family dwellings, including those to be utilized for home occupations, as defined by local ordinances, and sheds, storage buildings and garages incidental to the dwellings; [1991, c. 874, §3 (AMD).]

B. Farm buildings, including barns, silos, sheds or housing for farm equipment and machinery, livestock, poultry or storage, if the structures are designed to be occupied by no more than 10 persons; [1991, c. 874, §3 (AMD).]

C. Alterations, renovations or remodeling of a building when the cost of the work contemplated by the design does not exceed 15% of the assessed value of the building or \$50,000, whichever is the lesser, or does not require the issuance of a permit under applicable building codes or when the work involves those structures as provided in paragraphs A, B, F, G and H or when the work involves interior design services performed by a certified interior designer; [1993, c. 680, Pt. A, §28 (RPR).]

F. Buildings that do not have as their principal purpose human occupancy or habitation; [1991, c. 874, §4 (NEW).]

G. Single-story, above-grade buildings of less than 1,000 square feet that are designed to be occupied by no more than 10 persons; and [1991, c. 874, §4 (NEW).]

H. Preengineered manufactured buildings. For the purposes of this section, "preengineered manufactured building" means a structural unit, other than a dwelling, that is designed by a person licensed as an engineer in the State and is constructed in a manufacturing facility. [1991, c. 874, §4 (NEW).]

[1993, c. 680, Pt. A, §28 (AMD) .]

SECTION HISTORY

1977, c. 463, §3 (NEW). 1991, c. 396, §21 (RPR). 1991, c. 874, §§2-4 (AMD). 1993, c. 349, §65 (AMD). 1993, c. 389, §§16-18 (AMD). 1993, c. 680, §A28 (AMD).