

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 5 MRSA §12004-A, sub-§49 is enacted to read:

49.

Expenses Only

32 MRSA §3510

Maine Residential Contractor
Licensing Board

Sec. 2. 10 MRSA §1487, sub-§8, as enacted by PL 1987, c. 574, is amended to read:

8. Resolution of disputes. A statement allowing the parties the option to adopt one of 32 methods of resolving contract disputes. At a minimum, this statement must provide the following information:

"If a dispute arises concerning the provisions of this contract or the performance by the parties, then the parties agree to settle this dispute by jointly paying for one of the following (check only one):

(1) ~~Binding arbitration as regulated by the Maine Uniform Arbitration Act, with the parties agreeing to accept as final the arbitrator's decision (-);~~

(2) ~~Nonbinding arbitration, with the parties free to not accept the arbitrator's decision and to seek satisfaction through other means, including a lawsuit (—); or~~

(3) Mediation, with the parties agreeing to enter into good faith negotiations through a neutral mediator in order to attempt to resolve their differences ()"; ~~or~~

(4) A hearing and investigation performed by the Maine Residential Contractor Licensing Board, under the Maine Revised Statutes, Title 32, chapter 50, pursuant to the rules adopted under that chapter ()";

Sec. 3. 10 MRSA §8001-A, sub-§9, as enacted by PL 1989, c. 450, §5, is amended to read:

9. Board of Registration for Professional Engineers. Professional Engineers, Board of Registration for; and

Sec. 4. 10 MRSA §8001-A, sub-§10 is enacted to read:

10. Maine Residential Contractor Licensing Board. Maine Residential Contractor Licensing Board.

Sec. 5. 32 MRSA c. 50 is enacted to read:

CHAPTER 50

MAINE RESIDENTIAL CONTRACTOR LICENSING

§ 3510. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Maine Residential Contractor Licensing Board.

2. Residential contractor services. "Residential contractor services" means services including home improvement and construction of a dwelling performed by a residential contractor for compensation above \$10,000 per contract.

§ 3511. Maine Residential Contractor Licensing Board

The Maine Residential Contractor Licensing Board, established by Title 5, section 12004-A, subsection 49, consists of 5 members appointed by the Governor. Members of the board are entitled to compensation in accordance with Title 5, section 12004-A, subsection 49. If in any year the fees to be collected under any of the provisions of this chapter are insufficient to pay the expenses provided by this section, the members of the board are entitled to only a pro rata payment for expenses for that year.

Title 10, chapter 219-A, governing home construction contracts, and the Maine Unfair Trade Practices Act supplement the provisions of this chapter.

§ 3512. Composition of board; terms of members

1. Members. The members of the board appointed pursuant to section 3511 must include:

A. Two residential contractors with expertise in the field of residential contracting;

B. One commercial contractor with expertise in the field of residential contracting;

C. One code enforcement officer with expertise in the field of residential contracting; and

D. One public member, as defined in Title 5, section 12004-A, with significant expertise in residential housing building standards.

2. Term. The term of office of a member of the board is 4 years. Appointment of a member must comply with Title 10, section 8009. A member of the board may be removed for cause by the Governor.

§ 3513. Meetings; chair; quorum

The board shall meet at least once a year to conduct the board's business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or by a majority of the board members. Five members of the board constitute a quorum.

§ 3514. Powers and duties

The board shall administer and enforce the provisions of this chapter. The board shall propose, revise, adopt and enforce rules necessary to carry out this chapter in accordance with Title 5, chapter 375, subchapter 2. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The board shall comply with Title 5, chapter 375, subchapter 4 in enforcing this chapter.

Beginning January 1, 2012, the board shall license residential contractors in order to ensure that residential contractors build according to uniform building and energy standards under Title 10, as well as to ensure that residential contractors comply with the home construction contract requirements of Title 10, chapter 219-A.

§ 3515. Prohibited practices

1. Licenses. Beginning January 1, 2012, a person may not perform residential contractor services without first obtaining a license from the board as required in this chapter.

2. Violation of rules and standards. A person who the board determines in an adjudicatory proceeding has violated the uniform building and energy standards under Title 10 is subject to the rules, standards and penalties of the board pursuant to Title 10, section 8003, subsection 5.

§ 3516. Investigations; suspensions; revocations

1. Investigations. The board may conduct any inspections and investigations as may be necessary to carry out responsibilities under this chapter. The board may contract with local governments and private inspection organizations to carry out such inspection functions to the extent not prohibited by federal law, rule or regulation.

2. Suspensions; revocations. The board may suspend and revoke residential contractor licenses pursuant to its authority under Title 10, section 8003, subsection 5.

§ 3517. Violations; penalties

1. Unlicensed practice. A person, firm or corporation who violates section 3515 is subject to the provisions of Title 10, section 8003-C.

§ 3518. Licenses

A person who engages in the business of residential contractor services must first obtain a license issued by the board. The board shall, within a reasonable time, issue a license to a person who intends to perform residential contractor services in this State subject to filing and approval of an application. A person who is licensed to conduct these activities by other state or federal law is exempt from the requirement for licensure under this section when the law provides specific authority for the provision of a particular service or preempts the requirement for such licensure.

Sec. 6. Initial appointments to the Maine Residential Contractor Licensing Board. By January 1, 2011, the Governor shall appoint members to the Maine Residential Contractor Licensing Board, established pursuant to the Maine Revised Statutes, Title 32, chapter 50, one for a term of one year, 2 for a term of 2 years and 2 for a term of 3 years.

Sec. 7. Transfer. Notwithstanding any other provision of law, the State Controller shall transfer \$212,450 from General Fund undedicated revenue to the Maine Residential Contractor Licensing Board Other Special Revenue Funds account within the Department of Professional and Financial Regulation no later than November 30, 2010.

Sec. 8. Effective date. Sections 1 to 5 of this Act take effect January 1, 2011.'

SUMMARY

This amendment establishes the Maine Residential Contractor Licensing Board as an affiliated board within the Department of Professional and Financial Regulation. Beginning January 1, 2012, the board will be responsible for issuing licenses to residential contractors in Maine in order to ensure that residential contractors build according to uniform building and energy standards, as well as to ensure that residential contractors comply with the home construction contract requirements of Title 10, chapter 219-A.

FISCAL NOTE REQUIRED
(See attached)