

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1005

H.P. 741

House of Representatives, February 11, 1997

An Act to Provide for the Licensing of Building Contractors.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, SAMSON of Jay.

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

4 **Sec. 1. 32 MRSA c. 129** is enacted to read:

6 **CHAPTER 129**

8 **CONTRACTOR REGISTRATION**

10 **§14551. Definitions**

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

14 1. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

16 2. Construction contract. "Construction contract" means an agreement, whether written or oral, to perform work on real property.

18 3. Contractor. "Contractor" means a person or entity that enters into a construction contract.

20 4. Department. "Department" means the Department of Professional and Financial Regulation, Division of Licensing and Enforcement.

22 5. Real property. "Real property" means real estate, including lands, leaseholds, tenements and hereditaments and improvements placed on real estate.

24 6. Work. "Work" means to build, alter, repair or demolish any improvement on, connected with or beneath the surface of any real property and includes nonstructural work such as plumbing, heating and electrical work, laying carpeting and other nonstructural work; or to excavate, clear, grade, fill or landscape any real property; to construct driveways, private roadways, highways and bridges, drilled wells, septic systems, sewage systems or utilities; or to perform labor upon real property. "Work" also includes any design or other professional or skilled services by persons such as, but not limited to, architects, engineers, land surveyors, landscape architects and construction engineers.

26 **§14552. Establishment of register**

28 The commissioner shall establish and maintain within the department a register of all contractors doing business in the State. The register is a matter of public record available for public view in the offices of the department or on request at a

2 fee sufficient to cover the cost of providing the information
3 requested.

4 **§14553. Registration requirements**

6 1. Forms; information required. The commissioner shall
7 adopt forms for contractor registration that require, at a
8 minimum, the following information:

10 A. Name, address, telephone number and any other
11 communication access numbers;

12 B. A statement detailing the contractor's experience in the
14 trade;

16 C. Proof of workers' compensation insurance; and

18 D. Proof of liability insurance.

20 2. Fees. Each person registering under this section shall
21 pay an annual registration or renewal fee established by the
22 department by rule at a level sufficient to cover the costs of
23 administering this chapter.

24 **§14554. Information provided to applicants**

26 When a contractor requests a registration form, the
28 department shall provide the contractor with an information
29 packet that includes clear information that sets out all
30 requirements under state law with which the contractor must
31 comply, including licensing requirements, tax liabilities,
32 insurance coverage, labor laws, consumer and contract
33 requirements and professional codes of ethics or conduct.

34 **§14555. Renewals; updates**

36 Contractors must renew the registration annually, at which
38 time the contractors must be provided with applicable updates or
39 amendments to the information provided under section 14554.

40 **§14556. Coordination with licensing boards**

42 The department shall coordinate registration under this
44 chapter with any other licensing or certification requirements
45 applicable to a contractor specific to the contractor's trade or
46 profession to promote efficiency and avoid duplication or
47 unnecessary effort by the registrants.

2 **§14557. Registration not allowed**

4 A person whose general or specific trade license,
6 certification or registration is revoked or suspended in this
8 State or another state may not register to do business in this
10 State unless the period of revocation or suspension is completed
and the applicable state licensing or certification authority has
conducted a review and determined that the contractor meets all
legal and professional competency requirements to do business as
a contractor in this State.

12 **SUMMARY**

14
16 This bill establishes in the Department of Professional and
18 Financial Regulation, Division of Licensing and Enforcement, a
comprehensive register of contractors doing business in the
State. The information will be available to the public.

20 The bill specifies information that the contractor must
22 provide and information that the department must provide the
registrants to ensure that they are aware of all applicable legal
24 and ethical requirements for engaging in their particular
business in Maine.

26 The registrants must renew their registration annually and
28 pay registration fees established by the department to cover the
costs of administration of this law, but these requirements must
30 be coordinated with any specific licensing or certification
requirements with which the contractor must comply.

32 Registration is not permitted for a contractor whose
34 license, certification or registration has been suspended or
revoked in this State or any other state unless the contractor
36 passes a professional review.