

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 682

H. P. 469

House of Representatives, February 8, 1967

Referred to Committee on Business Legislation. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lewin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Revising the Home Repair Financing Act.

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

Sec. 1. R. S., T. 9, § 3722, sub-§ 9, amended. Subsection 9 of section 3722 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is amended to read as follows:

9. Home repair contractor. "Home repair contractor" means any person who is engaged in or who transacts any business of selling goods and related services pursuant to a home repair contract including a salesman who is ~~not an employee of a licensed home repair contractor~~ **represents more than one licensed home repair contractor;**

Sec. 2. R. S., T. 9, § 3722, sub-§ 10, amended. Subsection 10 of section 3722 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is amended to read as follows:

10. Home repair salesman. "Home repair salesman" means any ~~person individual~~ engaged in the business of selling goods and related services pursuant to a home repair contract ~~in an independent or representative capacity, who is employed by only one licensed home repair contractor,~~ whether or not such ~~person individual~~ is a resident of this State, excepting ~~a person~~ **an individual** who is ~~an owner~~ **a home repair contractor** or is a partner or an officer of a licensed home repair contractor;

Sec. 3. R. S., T. 9, § 3722, sub-§ 12-A, additional. Section 3722 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is amended by adding a new subsection 12-A, as follows:

12-A. Person. "Person" means any individual, partnership, association, corporation or any other legal entity;

Sec. 4. R. S., T. 9, § 3723, sub-§ 6, additional. Section 3723 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is amended by adding a new subsection 6, as follows:

6. License numbers. Contain below or adjacent to a salesman's signature, the salesman's license number, and contain below or adjacent to a contractor's signature, the contractor's license number.

Sec. 5. R. S., T. 9, § 3728, amended. Section 3728 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is amended to read as follows:

§ 3728. Payment of time balance

Every home repair contract shall provide for the payment of the time balance at substantially equal intervals of time and in substantially equal amounts. When appropriate for the purpose of facilitating payment, the contractor may provide for payments on a schedule which reduces or omits payments over a period or periods not in excess of 93 days in any 12-month period, **except the contractor may provide that the time for making initial payment may be deferred for a period not in excess of 181 days from the date of signing of the completion certificate.**

Sec. 6. R. S., T. 9, § 3743, repealed and replaced. Section 3743 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 3743. License fees, renewals

The license fee for each calendar year or part thereof shall be as follows:

1. Home repair financing agency. For a home repair financing agency, the sum of \$100 for the principal place of business of the licensee within the State and the sum of \$25 for each branch of such licensee maintained in this State;

2. Home repair contractor, salesman. For a home repair contractor, the sum of \$100 for the principal place of business of the licensee within this State and the sum of \$25 for each branch of such licensee maintained in this State; and for each home repair salesman in excess of 5 in his employ, other than trainee-salesmen, the sum of \$10. No fee shall be payable for a trainee-salesman for a period of 30 days from the date his training commences. The commissioner shall be notified in writing within 5 days of the commencement of a training period. If no application for a home repair salesman's license for a trainee-salesman is to be filed, the commissioner shall be so notified in writing within the 30-day training period.

Sec. 7. R. S., T. 9, § 3746, repealed and replaced. Section 3746 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 3746. Investigation of licensees

The commissioner shall have power to make such investigations as he shall deem necessary, and may examine the books, accounts, records and files of any person, other than an owner, who is a party to or holder of a home repair contract. Any owner having reason to believe there is a violation of sections 3723 to 3737 or section 3750 relating to his home repair contract may file with the commissioner a written complaint.

If after notice and hearing the commissioner should find a violation of any provision of sections 3723 to 3737 or section 3750, he shall so notify the owner, the home repair contractor and the holder of the home repair contract.

Sec. 8. R. S., T. 9, § 3752, amended. The first paragraph of section 3752 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is repealed and the following enacted in place thereof:

There is established a Home Repair Advisory Board. The board shall consist of the commissioner, who shall be chairman of the board, and 4 other members appointed by the commissioner. Two members shall have had practical experience as home repair contractors. As designated by the commissioner, one member shall serve for a term of one year, one member shall serve for a term of 2 years, one member shall serve for a term of 3 years, and one member shall serve for a term of 4 years and until their successors are appointed and qualified. Thereafter, the appointive members shall serve for terms of 4 years and until their successors are appointed and qualified. Vacancies by other than expiration of a term shall be filled for the unexpired term.

Sec. 9. R. S., T. 9, § 3753, amended. Section 3753 of Title 9 of the Revised Statutes, as enacted by section 1 of chapter 501 of the public laws of 1965, is amended by adding at the end a new paragraph to read as follows:

Upon complaint to the proper District Court by an owner, and upon a finding that a willful violation of any provision of sections 3723 to 3737 or section 3750 has occurred, the home repair contractor or holder, whoever is responsible for the violation, shall forfeit to the owner the credit service charge contracted for and the amount of any delinquency, collection, extension, deferment or refinancing charge imposed. Reasonable attorneys' fees and costs shall be awarded to the owner if he is the prevailing party in such action.