

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-280)

COMMITTEE AMENDMENT "A " to H.P. 962, L.D. 1159, Bill,
"AN ACT to Repeal Certain Laws Relating to Occupations and
Professions."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 32 MRSA §1701, as amended by PL 1971, c. 592,
§28, is further amended to read:

§1701. License required

No manufacturer, whether a person, firm or corporation,
shall sell or offer for sale material used for the protection
of buildings from damage by lightning until licensed to do so
by the ~~Commissioner of Public Safety~~ Electrician's' Examining
Board.

Sec. 2. 32 MRSA §1702, as amended by PL 1971, c. 592,
§36, is repealed and the following enacted in its place:

§1702. Conditions; bond; guarantee

No such license shall be issued until the Electrician's'
Examining Board has approved of the material made by such
manufacturer for protection from lightning and of the manner
and system of installing such material, nor until such manufacturer
has filed a bond with the board in the penal sum of \$10,000,
with surety or sureties satisfactory to the board, conditioned
for fulfilling the guarantee agreement provided for by this
section together with a written stipulation that legal process
affecting such manufacturer or his agent, served upon the board

for the time being, shall have the same effect as if personally served upon such manufacturer or his agent within the State. The manufacturer shall file with the board a copy of the guarantee agreement to be issued by him, which shall be in a form approved by the board and must provide in substance that in the event of damage by lightning to property equipped by the manufacturer or his agent, any money paid for the equipment of that building shall be returned to the owner thereof or the damage to that building repaired. When the manufacturer has complied with the foregoing requirements and the board is satisfied that the manufacturer is safe and reliable as to assets, business standing and methods and is entitled to confidence, the board shall issue a license to such manufacturer, to continue in force one year from date of issue. The license may be revoked at any time by the board for good cause after a hearing.

Sec. 3. 32 MRSA §1703, 1st sentence, as amended by PL 1971, c. 592, §36, is further amended to read:

Upon written notice from a manufacturer, licensed under section 1702, of the appointment of a suitable person, who must be a resident of the State, to act as his agent in this State, and upon the presentation of a certificate of the good reputation and moral character of such person, signed by the mayor or selectmen of the city or town of which he is a resident, the ~~Commissioner of Public Safety~~ board may, if ~~he~~ it is satisfied that the appointee is a suitable person and a resident of this State, issue to him a license as such agent.

Sec. 4. 32 MRSA §1703, last sentence, is amended to read:
Such license shall continue in force until the 31st day of

December following the date of issue but may be revoked at any time by the commissioner board for good cause after a hearing.

Sec. 5. 32 MRSA §1706, as amended by PL 1971, c. 592, §36, further is/amended to read:

§1706. Holder of guarantee agreement may bring civil action on bond

The holder of any guarantee agreement issued under section 1702 may bring a civil action in the name of the Commissioner-of-Public-Safety board upon the bond provided by said section and have the same procedure and remedies thereon as in the case of official bond of sheriffs, but the amount of damages need not be first ascertained. Whenever legal process against such manufacturer is served upon the commissioner board, he shall take such action as is provided in the case of the service of legal process against foreign insurance companies.'

Statement of Fact

This amendment reinstates the licensing of manufacturers of lightning rods but transfers the licensing to the Electricians' Examining Board. The amendment also reinstates the licensing of tattoo artists. Continued public protection is necessary in each of these areas.

Reported by the Committee on Business Legislation.

Reproduced and distributed under the direction of the Clerk of the House.

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