

MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. H-1125)
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1941, L.D. 2105, Bill, "AN ACT to Require the Licensing of Insulation Installers."

Amend the amendment by striking out everything after the title and inserting in its place the following:

'Amend the bill by striking out all of the Title and inserting in its place the following: 'AN ACT to Require Contracts for the Installation of Insulation.'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'10 MRSA c.219 is enacted to read:

CHAPTER 219

INSULATION CONTRACTORS

§1481. Definitions

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

1. Insulation. "Insulation" means any material, including, but not limited to, mineral wool, cellulose fibre, vermiculite and perlite, and foams to reduce airflow between the interior and exterior surfaces of a building.

2. Person. "Person" means an individual, a copartnership, corporation or any other legal entity.

3. Residence or residential. "Residence" or "residential" shall mean any existing dwelling structure with 3 or less living units whether leased or owner occupied. Except as provided in this subsection, buildings used for commercial or business purposes shall not be subject to the provisions of this chapter.

4. Resistance factor. "Resistance factor" shall have the same meaning as "thermal resistance," as defined in the ASHRAE Handbook of Fundamentals.

§1482. Residential insulation contract

No person shall install insulation in any existing residence for compensation without providing the owner or lessee in advance with a written contract which shall include, but not be limited to, the following provisions which shall be clearly and conspicuously disclosed in the contract:

1. Resistance factor. The resistance factor of the insulation per inch and the thickness in inches to be installed;

2. Type of insulation. The type of insulation to be installed;

3. Area covered. An estimate of the square footage of area to be covered;

4. Degree of flammability. The degree of flammability of insulation is not to be less than class one standards;

5. Method of installation. The method of installation to be used;

6. Type of ventilation. The type of ventilation to be installed, < /if no ventilation is to be installed, the contract shall so state;

7. Guarantee against settling. Whether the installed insulation is guaranteed against settling and, if so, for how long and to what degree; if not, the contract shall so state;

8. Type of vapor barrier. The type of vapor barrier to be installed, < /if no vapor barrier is to be installed, the contract shall so state;

9. Areas to be insulated. The areas of the dwelling to be insulated;

10. Changes required. Any construction, reconstruction or structural changes required to install the insulation;

11. Work following insulation. Any restoration, finishing or cleanup work to be performed following the installation of insulation;

12. Provisions of warranties. The provisions of all warranties; and

13. Names. The name, business address and owner of the firm providing the goods and services provided herein.

§1483. Civil forfeiture; Unfair Trade Practices Act violation

Any person who fails to provide the owner or tenant with an insulation contract, containing at least the minimum information required by section 1483, prior to this installation of in-

ulation into an existing residence shall be deemed to have committed a civil violation for which a forfeiture of not less than \$200 for the first offense and not less than \$500 for each subsequent offense shall be adjudged. In addition to the civil penalty provided in this section, any violation of this chapter shall constitute a violation of the Unfair Trade Practices Act in Title 5, chapter 10.

§1484. Exemption

This chapter shall not apply to any person who provides to the owner or the lessee of a residence the labor or material for installing insulation in that residence if that person is not primarily engaged in the business of installing insulation and if that person does not advertise, solicit or hold himself out as one who installs insulation. For the purposes of this section, the term "not primarily engaged in the business of installing insulation" means having gross receipts for the installation of insulation which do not exceed either \$2,500 for all labor or \$4,500 for all materials in any one calendar year.'

Statement of Fact

The purposes of this amendment are as follows:

1. To more clearly define certain provisions of the committee amendment;
2. To remove provisions concerning guarantees against rot and replace them with a reference to the type of installation to be installed;

3. To remove provisions dealing with award for damages since it appears that present remedies under section 1483 and under the Uniform Commercial Code and the common law of contracts are sufficient; and

4. To exempt from the disclosure requirements of the bill persons who are not primarily engaged in the business of installing insulation and do not advertise, solicit or hold themselves out as persons who install insulation.

Filed by Mr. Tarbell of Bangor.

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