

MAINE STATE LEGISLATURE

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(Filing No. H-1115)

L.D. 2105

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

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

Amend the bill by striking out everything in 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," for the purpose of this chapter, shall mean any owner-occupied dwelling, any apartment building with 3 or less apartments and any leased residence. 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 residence for compensation without providing the owner or lessee 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. 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. Guarantee ^{against rot.} Whether the insulation is guaranteed against rot, and if so, for what time period; if not, 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; and if no vapor barrier is to be installed, the contract shall so indicate;

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. Terms of warranties. The terms of all warranties; and

13. Names. The business address and name of the firm and the owner.

§1483. Civil forfeiture; Unfair Trade Practices Act violation

Any person who fails to provide the owner or tenant with an insulation contract prior to the installation of insulation 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. Award for damages

the Unfair Trade Practices Act,

In addition to the remedies and procedures provided in Title 5,

chapter 10, the court shall award the owner or tenant actual and

consequential damages resulting from the failure of a person to

comply with the terms of the contract ^{the provisions of} or ~~this chapter.~~

Statement of Fact

This amendment requires insulation installers to provide a contract for their work specifying the type of insulation and manner of installation to be used.

The requirements for the licensing of insulation contractors is removed from the bill.

Reported by the Majority of the Committee on Energy.

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

3/3/78

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