

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2105

H. P. 1941

House of Representatives, January 25, 1978

EDWIN H. PERT, Clerk

Filed by the Joint Standing Committee on Energy under Joint Rule 17.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Require the Licensing of Insulation Installers.

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

32 MRSA c. 85 is enacted to read:

CHAPTER 85

INSULATION CONTRACTORS

SUBCHAPTER I

GENERAL PROVISIONS

§ 7201. Definitions

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

1. Board. "Board" means the Certification Board of Insulation Contractors.
2. Building contractor. "Building contractor" means any person who is engaged in or who transacts any business of selling goods and related services pursuant to a residential construction contract as defined in this chapter.

Installer of insulation. "Installer of insulation" means any person employed by

a building contractor to install insulation or any person who installs insulation pursuant to a residential insulation contract as required in this chapter.

4. 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.

5. Person. "Person" means an individual, a copartnership or corporation.

6. Residential insulation contract. "Residential insulation contract" means a contract as required by this chapter between a building contractor and a residential owner or lessee.

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

§ 7202. Residential insulation contract

1. Contract required. No person shall install insulation in any residence for compensation without providing the owner or lessee with a residential insulation contract.

2. Contents of insulation contract. The insulation contract shall include the following information:

- A. The resistance factor of the insulation to be installed;
- B. The type and volume of insulation to be installed;
- C. The degree of flammability of insulation to be installed;
- D. The method of installation to be used;
- E. The type of vapor barrier to be installed. If no vapor barrier is to be installed, the contract shall so indicate;
- F. The areas of the dwelling to be insulated;
- G. Any construction, reconstruction or structural changes required to install the insulation; and
- H. Any restoration, finishing or cleanup work to be performed following the installation of insulation.

SUBCHAPTER II

CERTIFICATION OF INSULATION CONTRACTORS

§ 7211. Certification required

No person shall install insulation in residential buildings unless the person is

licensed by the Certification Board of Insulation Contractors, is employed by a certified building contractor or installs the insulation without compensation of any kind.

§ 7212. Appointment of the Certification Board of Insulation Contractors

A Certification Board of Insulation Contractors is hereby established and shall consist of an executive secretary who shall be the Director of the Office of Energy Resources or a representative appointed by the director and 3 members ex officio. One member shall be the Director of the Bureau of Public Improvements or his representative. A 2nd member shall be the Director of the Maine Housing Authority or his representative. The 3rd member shall be the Associate Commissioner of the Bureau of Vocational Education or his representative.

§ 7213. Investigation of complaints; revocation of license

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board shall have the authority, after hearing, to suspend a license until the complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall have the power to suspend or revoke the license of any licensed electrician who is found guilty of:

1. Fraud or deceit. The practice of any fraud or deceit in obtaining a license;
2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the installation of insulation; or
3. Breach of contract. Any significant breach of contract as determined by the Administrative Court Judge.

§ 7214. Reissue of License

The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, providing the decision is a unanimous vote of the full board.

SUBCHAPTER III

LICENSES

§ 7221. Issuance of licenses

1. Application; qualifications. The board shall issue a license to any person who meets the following qualifications:

- A. Successful completion of an examination administered by the board or its authorized representative; and
- B. At least 2 years of full-time experience in the installation of insulation.

§ 7222. Examinations

1. Contents. Examinations administered by the board shall be in whole or in part in writing and shall test the applicant in the following areas:

- A.** Heat loss by conduction and infiltration, and calculation of heat loss;
- B.** Insulation value of materials;
- C.** Ventilation and vapor barriers;
- D.** Installation of insulation materials;
- E.** Conservation of energy through proper site location and building design;
- F.** Hazards of insulation; and
- G.** Residential retrofitting.

2. Applications. Applicants for a license shall present to the executive secretary of the board a written application for examination and license containing such information as the board may require accompanied by a fee of \$15.

§ 7223. License renewals

All licenses issued shall expire October 31st of each biennial period and they may be renewed thereafter for 2-year periods without further examination, upon the payment of a renewal fee of \$10. Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination, provided that any person, who fails to renew his license, due to the fact that he was on active duty in the Armed Forces of the United States, shall not be required to take the examination if he renews his license within 90 days from his discharge from active duty.

STATEMENT OF FACT

The purpose of this bill is to require that persons installing insulation are to be licensed.