

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2163

H.P. 1515

House of Representatives, April 7, 1999

An Act to Require Contractor Registration.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.

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

4 Sec. 1. 32 MRSA c. 129 is enacted to read:

6 CHAPTER 129

8 CONTRACTOR REGISTRATION

10 §14551. Definitions

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

16 2. Construction contract. "Construction contract" means an agreement, whether written or oral, to perform work on real property.

18 3. Contractor. "Contractor" means a person or entity that enters into a construction contract.

20 4. Department. "Department" means the Department of Professional and Financial Regulation.

22 5. Real property. "Real property" means real estate, including lands, leaseholds, tenements and hereditaments and improvements placed on real estate.

24 6. Work. "Work" means to build, alter, repair or demolish any improvement on, connected with or beneath the surface of any real property and includes nonstructural work such as plumbing, heating and electrical work, laying carpeting and other nonstructural work; or to excavate, clear, grade, fill or landscape any real property; or to construct driveways, private roadways, highways and bridges, drilled wells, septic systems, sewage systems or utilities; or to perform labor upon real property. "Work" also includes any design or other professional or skilled service by a person such as, but not limited to, an architect, engineer, land surveyor, landscape architect or construction engineer.

26 §14552. Establishment of register

28 The commissioner shall establish and maintain within the department a register of all contractors doing business in the State. The register is a matter of public record available for public view in the offices of the department or on request at a

2 fee sufficient to cover the cost of providing the information
3 requested.

4 **§14553. Registration requirements**

6 1. Forms; information required. The commissioner shall
7 adopt forms for contractor registration that require, at a
8 minimum, the following information:

10 A. The contractor's name, address, telephone number and any
11 other communication access numbers;

12 B. A statement detailing the contractor's experience in the
13 trade;

14 C. Proof that the contractor has workers' compensation
15 insurance coverage; and

16 D. Proof that the contractor has liability insurance
17 coverage.

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22 2. Fees. Each contractor registering under this section
23 shall pay an annual registration or renewal fee established by
24 the department by rule pursuant to Title 5, chapter 375,
25 subchapter II-A at a level sufficient to cover the costs of
26 administering this chapter. Rules adopted pursuant to this
27 subsection are routine technical rules.

28 **§14554. Information provided to applicants**

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31 When a contractor requests a registration form, the
32 department shall provide that contractor with an information
33 packet that sets out all requirements under state law with which
34 the contractor must comply, including licensing requirements, tax
35 liabilities, insurance coverage, labor laws, consumer and
36 contract requirements and professional codes of ethics or conduct.

37 **§14555. Renewals; updates**

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39 A contractor shall renew the registration annually, at which
40 time the department shall provide that contractor with applicable
41 updates or amendments to the information provided under section
42 14554.

43 **§14556. Coordination with licensing boards**

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45 The department shall coordinate registration under this
46 chapter with any other licensing or certification requirements
47 applicable to a contractor specific to that contractor's trade or
48 profession.

2 profession to promote efficiency and avoid duplication or
3 unnecessary effort by the registrant.

4 **§14557. Registration not allowed**

6 A contractor whose general or specific trade license,
7 certification or registration is revoked or suspended in this
8 State or another state may not register to do business in this
9 State until the period of revocation or suspension is completed
10 and the applicable state licensing or certification authority has
11 conducted a review and determined that the contractor meets all
12 legal and professional competency requirements to do business as
13 a contractor in this State.

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SUMMARY

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This bill establishes in the Department of Professional and
19 Financial Regulation a comprehensive public register of
20 contractors doing business in the State.

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The bill specifies information that the contractor must
23 provide to the department and information that the department
24 must provide to the registrants to ensure that they are aware of
25 all applicable legal and ethical requirements for engaging in
26 their particular business in Maine.

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The registrants must renew their registration annually and
29 pay registration fees established by the department to cover the
30 costs of administration of this law. These requirements must be
31 coordinated with any specific licensing or certification
32 requirements with which the contractor must comply.

34

Registration is not permitted for a contractor whose
35 license, certification or registration has been suspended or
36 revoked in this State or any other state until the period of
37 revocation or suspension is completed and the contractor passes a
38 professional review.