

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1551

H.P. 1137

House of Representatives, April 10, 2003

### An Act To License Home Building and Improvement Contractors

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Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative COWGER of Hallowell.  
Cosponsored by Senator BRENNAN of Cumberland and  
Representatives: BERUBE of Lisbon, DUDLEY of Portland, DUPLESSIE of Westbrook,  
KOFFMAN of Bar Harbor, ROGERS of Brewer, SULLIVAN of Biddeford, SUSLOVIC of  
Portland, Senator: BROMLEY of Cumberland.

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

4 **Sec. 1. 5 MRSA §12004-A, sub-§20-A is enacted to read:**

6 20-A. Maine Home Contractor Licensing Board      Public Members 32 MRSA §15343  
8 Legislative  
10 Per Diem  
12 Other Members -  
14 No Compensation  
16 Authorized

18 **Sec. 2. 32 MRSA c. 135 is enacted to read:**

20 **CHAPTER 135**

22 **MAINE HOME CONTRACTOR LICENSING ACT**

24 **§15341. Short title**

26 This chapter may be known and cited as "the Maine Home Contractor Licensing Act."

28 **§15342. Definitions**

30 1. Applicant. "Applicant" means a person who applies for a home contractor's license or a home contractor salesperson.

32 2. Board. "Board" means the Maine Home Contractor Licensing Board as established in this chapter.

34 3. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

36 4. Contract. "Contract" means an agreement between an owner and a home contractor or a home contractor salesperson to build a dwelling or perform any home improvements.

38 5. Department. "Department" means the Department of Professional and Financial Regulation.

40 6. Dwelling. "Dwelling" means any building that contains one or 2 dwelling units.

42 7. Dwelling unit. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

44 8. Employee. "Employee" has the same meaning as provided in Title 26, section 591, subsection 1.

2           **9. Home contractor.** "Home contractor" means a person who  
undertakes, offers to undertake or submits a bid to:

4           A. Build a dwelling; or

6           B. Perform any home improvement.

8  
10          "Home contractor" includes a person covered by paragraphs A or B  
who is operating as a subcontractor for another home contractor.

12          **10. Home contractor salesperson.** "Home contractor  
14          salesperson" means any person who negotiates or offers to  
negotiate a contract for home contractor services with an owner  
16          or who solicits or otherwise endeavors to procure by any means  
whatsoever, directly or indirectly, a contract for home  
18          contractor services from an owner.

20          **11. Home contractor services.** "Home contractor services"  
means those services, including home improvement, performed by a  
22          home contractor salesperson or a home contractor licensed under  
this chapter.

24          **12. Home improvement.** "Home improvement" includes, but is  
not limited to:

26               A. The repair, replacement, remodeling, removal,  
28               renovation, alteration, conversion, modernization,  
improvement, demolition, rehabilitation or sandblasting of  
30               or addition to any dwelling;

32               B. The construction, replacement, installation or  
improvement of buildings, garages, carports, porches, patios  
34               or decks, if their use is incidental to that of a dwelling;  
or

36               C. The removal, repair, replacement or installation of  
38               roofing, siding, insulation, solar energy systems, security  
systems, doors, windows or central heating or air  
40               conditioning systems.

42          **13. Licensee.** "Licensee" means a person who is issued a  
license to do business in this State as a home contractor or a  
44          home contractor salesperson.

46          **14. License number.** "License number" means a number issued  
by the board to a person who is issued a license to do business  
48          as a home contractor or a home contractor salesperson.

2 15. Lien. "Lien" means any legal claim on or security  
4 interest in real property created by consent or by operation of  
6 law.

8 16. Owner. "Owner" means any owner, lessee or any person  
10 who orders, contracts for or purchases home contractor services  
12 or the person entitled to enforce the performance of the work of  
14 a home contractor.

16 17. Person. "Person" means any natural person,  
18 corporation, partnership or other business entity.

20 **§15343. Board; organization**

22 The Maine Home Contractor Licensing Board, as established in  
24 Title 5, section 12004-A, subsection 20-A, administers the  
26 provisions of this chapter to protect the public with respect to  
28 the practice of home contracting.

30 1. Board membership. The board consists of 7 members as  
32 follows:

34 A. Two public members who are appointed by the Attorney  
36 General;

38 B. One home contractor licensed under this chapter, having  
40 at least 5 years of experience as a home contractor,  
42 appointed by the Governor;

44 C. One municipal code enforcement officer, appointed by the  
46 Governor;

48 D. One engineer or architect, licensed under this Title,  
50 appointed by the Governor;

E. One representative of the fire service in this State,  
appointed by the Governor; and

F. One representative of the property and casualty  
insurance business who is a resident of this State,  
appointed by the Governor.

2. Terms; removal. The term of office of each member is 4  
years, except as provided in this subsection and members are  
eligible for reappointment. If there is a vacancy for any cause,  
the appointing authority shall make an appointment immediately  
effective for the unexpired term. Members may be removed for  
cause by the officials who appointed them. In order to provide  
staggered expiration dates of terms, the duration of initial  
terms is as follows:

- 2           A. The fire service representative in this State for 2  
3           years;
- 4
- 5           B. One public member for 3 years;
- 6
- 7           C. One public member for 4 years;
- 8
- 9           D. The insurance representative for 2 years;
- 10
- 11           E. One home contractor for 3 years;
- 12
- 13           F. The municipal code enforcement officer for 4 years; and
- 14
- 15           G. The engineer or architect for 2 years.

16

17           3. Meetings; quorum. The board shall meet at least once a  
18 year and at such other times as the board determines necessary.  
19 A majority of the members of the board constitutes a quorum for  
20 the transaction of business under this chapter.

21           4. Election of officers. The board shall annually elect a  
22 chair and other officers as the board determines necessary.

23 **§15344. Rules**

24

25           The board may establish guidelines and rules by which this  
26 chapter is administered. Except as otherwise indicated, rules  
27 adopted pursuant to this chapter are routine technical rules as  
28 defined in Title 5, chapter 375, subchapter 2-A. The board may  
29 adopt rules:

30

31           1. Professional qualifications. To be applied in  
32 determining whether professional qualifications meet the license  
33 qualifications under this chapter;

34

35           2. License qualifications. Relating to the qualifications  
36 of an applicant for a license authorized under this chapter that  
37 ensure that an applicant is sufficiently trustworthy and  
38 competent to practice as a licensee under this chapter;

39

40           3. Standards of practice. Consistent with the standards  
41 set forth in this chapter and the building code adopted in this  
42 chapter governing the practice of home construction or home  
43 improvement and the sales of home contractor services in order to  
44 establish standards of practice that serve the public interest.  
45 These may be in addition to the rules established under this  
46 chapter; and

47

48           4. Other. To enforce other rules that are necessary for  
49 the performance of the board's duties under this chapter.

2       **§15345. Fees**

4           The Director of the Office of Licensing and Registration,  
6           pursuant to Title 10, section 8003, subsection 2-A, paragraph D,  
8           may establish by rule fees for purposes authorized under this  
          chapter in amounts that are reasonable and necessary for their  
          respective purposes, except that a fee may not exceed \$350  
          annually.

10

12       **§15346. Duties; powers**

12

14           The board has the following duties and powers, in addition  
          to those otherwise set forth in this chapter.

14

16           1. Consent agreements. The board may execute a consent  
18           agreement that resolves a complaint or investigation without  
          further proceedings pursuant to Title 10, section 8003,  
20           subsection 5, paragraph B. The consent agreement may not resolve  
          any private rights of action created under section 15362.

22

24           2. Denial of license. The board may not refuse to issue or  
          renew a license for a reason other than the failure to pay a  
26           required fee unless the applicant has been afforded an  
          opportunity for an adjudicatory hearing consistent with the  
          board's rules.

28

30           3. Hearings. The board shall conduct hearings in  
          accordance with Title 5, chapter 375, subchapter 4 to the extent  
32           applicable. The board after hearing may impose disciplinary  
          sanctions pursuant to Title 10, section 8003, subsection 5,  
34           paragraph A-1. In addition, the board pursuant to Title 5,  
          section 10004 may revoke or suspend a license.

34

36           4. Investigation. The board shall investigate or cause to  
          be investigated all complaints made to the board and all cases of  
38           noncompliance with or violation of this chapter.

38

40           5. License qualification. The board shall evaluate a  
          person's qualifications for licensure under this chapter.

40

42       **§15347. Licensing; general qualifications**

44

46           1. License required. A person who acts as a home  
          contractor or home contractor salesperson as defined in this  
48           chapter must be licensed under this section. The board may grant  
          the following licenses:

48

50           A. Home contractor; and

50

2                    B. Home contractor salesperson.

4                    2. Applications. Applications for home contractor or home  
6 contractor salesperson licenses must be submitted to the board on  
8 forms prescribed and furnished by the board and must contain the  
information and be accompanied by the attachments required by  
rule of the board, together with the prescribed fee.

10                   3. Criminal history information. Pursuant to Title 5,  
chapter 341, the applicant shall provide criminal history record  
information.

12                   **§15348. Insurance**

14                   A licensee must have insurance covering personal injury  
16 arising as a result of licensed activities in an amount not less  
than \$300,000 per individual and \$500,000 per occurrence and  
18 insurance covering property damage arising as a result of  
licensed activities in an amount not less than \$50,000. The home  
20 contractor shall provide satisfactory evidence to the board at  
the time of registration and annual renewal that the insurance  
22 required by this section has been procured and is in effect.

24                   **§15349. Exemptions to licensing**

26                   A license is not required under this chapter for a person  
28 who:

30                   1. Home contractor; home contractor salesperson. Acts as a  
home contractor or home contractor salesperson, but who does not  
32 receive \$1,400 or more from any one owner in a calendar year;

34                   2. Labor; services. Performs labor or services for a home  
contractor as an employee;

36                   3. Trade; profession. Holds a license for a trade or  
38 profession and who is acting exclusively within the scope of the  
profession for which the person is licensed;

40                   4. Representative. Is an authorized representative of the  
42 United States Government, the State or any incorporated  
municipality, county or other political subdivision of this State  
44 who is acting within the scope of that representative's  
authorization;

46                   5. Ownership interest. Performs work on a property in  
48 which that person has an ownership interest or a lessee  
performing work on the lessee's leased property;



2           **6. Certified vocational school program.** Is a student  
3           enrolled in a certified vocational school program in which the  
4           student works under the direct supervision of a licensed home  
5           contractor;

6           **7. Public utility.** Is a public utility operating under the  
7           regulations of the Public Utilities Commission in construction,  
8           maintenance or development work incidental to the public  
9           utility's business; or

10           **8. Supplies; materials.** Only furnishes materials, supplies  
11           or equipment without fabricating them or consuming them in the  
12           performance of the work of the home contractor.

13           **§15350. License limitation**

14           A license issued under this chapter may be issued to a  
15           person or a business entity. If the applicant is a corporation,  
16           partnership, limited liability company or other business entity,  
17           a qualifying natural person within the entity must be designated  
18           on the application and the entity's license must be terminated  
19           immediately if that individual no longer holds the qualifying  
20           relationship with the entity. If a corporation, the qualifying  
21           natural person must be a responsible managing officer or a  
22           responsible managing employee who holds a license as a home  
23           contractor under this chapter. If a partnership or other entity,  
24           the qualifying natural person must be a responsible general  
25           partner or a responsible managing employee who holds a license as  
26           a home contractor under this chapter.

27           **§15351. Changes and circumstances**

28           A licensee shall report a change of address or name or other  
29           material change in the condition or qualifications set forth in  
30           the original application no later than 30 days after the change.  
31           Upon proper notice, the board's records must be changed and a new  
32           license issued for the unexpired term of the current license if  
33           appropriate.

34           **§15352. Denial of license**

35           The board may deny a license if an applicant:

36           **1. Fails to submit completed application.** Fails to submit  
37           a completed application within 30 days after being notified of  
38           the materials needed to complete the application;

39           **2. Untrustworthy; incompetent.** Fails to provide  
40           satisfactory proof that the applicant is trustworthy and

2 competent to conduct home construction or improvement in a manner  
3 that safeguards the interests of the public;

4 3. Suspension or revocation of license. Has had a  
5 professional or occupational license suspended or revoked for  
6 disciplinary reasons or an application rejected for reasons  
7 relating to untrustworthiness within 3 years prior to the date of  
8 application; or

10 4. Conviction of crime. Is subject to disqualification  
11 based on the applicant's criminal record pursuant to Title 5,  
12 chapter 341.

14 **§15353. Home contractors; license**

16 1. Professional qualifications. An applicant for a home  
17 contractor license must have at least 2 years of trade experience  
18 or comparable educational training, as established by rules of  
19 the board under section 15344.

20 2. Examination. An applicant must pass an examination  
21 approved and adopted by the board, which must include a test of  
22 proficiency in the building code under section 15358.

24 3. Waiver. The board may waive the requirements of  
25 subsections 2 and 3 for an applicant who for at least 3 years  
26 has held a valid license as a home contractor issued by a  
27 jurisdiction outside of the State if the board determines that  
28 the licensing requirements of the other jurisdiction are  
29 substantially similar to those of this State and the board in the  
30 other jurisdiction certifies that the licensee is in good  
31 standing. The out-of-state applicant is subject to all other  
32 requirements of this chapter.

34 4. Financial responsibilities. An applicant must  
35 demonstrate proof of financial responsibility as determined by  
36 rule of the board. The applicant must file with the board  
37 information that includes, but is not limited to:

40 A. A complete statement of the general nature of the  
41 applicant's contracting business or the applicant's duties;

42 B. All outstanding judgments against the applicant in  
43 actions arising out of the field of home construction or  
44 improvements or other construction work;

45 C. Any pending litigation that the applicant is involved in  
46 arising out of the field of home construction, home  
47 improvements or other construction work; and  
48

50

2           D. Any file of a petition in bankruptcy.

4           5. Continuing education required. As a prerequisite to  
6           renewal of a home contractor's license, applicants must complete  
          continuing education requirements pursuant to rules adopted by  
          the board.

8           6. Renewal. Licenses expire annually on December 31st or  
10          on a date the commissioner determines. The board shall issue a  
12          renewal license upon receipt of the written request for renewal,  
14          the annual fee and evidence of satisfactory completion of the  
16          continuing education requirement pursuant to subsection 5.  
          Licenses may be renewed up to 90 days after expiration upon  
          payment of a late fee in addition to the renewal fee. A person  
          who submits an application for renewal more than 90 days after  
          the license expiration date is subject to all requirements  
          governing new applicants under this chapter.

18           §15354. Home contractor salesperson; license

20           1. Professional qualifications. An applicant for a home  
22          contractor salesperson's license must have at least 2 years of  
24          trade experience or comparable educational training, as  
          established by rules of the board under section 15344.

26           2. Examination. An applicant must pass an examination  
28          approved and adopted by the board, which must include a test of  
          proficiency in the applicable building code under section 15358.

30           3. Waiver. The board may waive the requirements of  
32          subsections 2 and 3 for an applicant who for at least 3 years has  
34          held a valid license as a home contractor salesperson issued by a  
36          jurisdiction outside of the State if the board determines that  
38          the licensing requirements of the other jurisdiction are  
          substantially similar to those of this State and the board in the  
          other jurisdiction certifies that the licensee is in good  
          standing. The out-of-state applicant is subject to all other  
          requirements of this chapter.

40           4. Financial responsibilities. An applicant must  
42          demonstrate proof of financial responsibility as determined by  
44          rule of the board. The applicant must file with the board  
          information that includes, but is not limited to:

46           A. A complete statement of the general nature of the  
          applicant's contracting business or the applicant's duties;

48           B. All outstanding judgments against the applicant in  
50          actions arising out of the field of home construction or  
          improvements or other construction work; and

2           C. Any pending litigation that the applicant is involved in  
4           arising out of the field of home construction, home  
            improvements or other construction work.

6           5. Continuing education required. As a prerequisite to  
            renewal of a home contractor salesperson's license, applicants  
8           must complete continuing education requirements pursuant to rules  
            adopted by the board.

10           6. Renewal. Licenses expire annually on December 31st or  
12           on a date the commissioner determines. The board shall issue a  
14           renewal license upon receipt of the written request for renewal,  
            the annual fee and evidence of satisfactory completion of the  
16           continuing education requirement pursuant to subsection 5.  
            Licenses may be renewed up to 90 days after expiration upon  
18           payment of a late fee in addition to the renewal fee. A person  
            who submits an application for renewal more than 90 days after  
20           the license expiration date is subject to all requirements  
            governing new applicants under this chapter.

22           §15355. Prohibited acts

24           The following acts are prohibited and are unfair trade  
            practices:

26

1. Fraud.

28

A. A substantial misrepresentation in the procurement of a  
30           home construction or home improvement contract or any false  
            promise that influences, persuades or induces an owner to  
32           engage in a home construction or home improvement contract;

34           B. Any fraud in the execution or alteration of any  
            contract, mortgage, promissory note or other document  
36           incident to a home improvement transaction;

38           C. Presentation of oneself falsely or impersonation of a  
            licensed home contractor or home contractor salesperson;

40

D. Entrance into a home construction or home improvement  
42           contract with the intent of:

44

(1) Damaging the property of an owner;

46

(2) Doing work on the property of an owner without the  
                owner's prior authorization;

48

(3) Misrepresenting that the home contractor or  
50           another person is an employee or agent of the Federal

2                   Government, the State, a political subdivision of the  
3                   State or any other governmental agency or entity; or

4                   (4) Misrepresenting that the supplier of building  
5                   materials or another person is an employee or agent of  
6                   any public or private utility;

8                   E. Creation or confirmation of an owner's impression that  
9                   is false and that the home contractor or home contractor  
10                   salesperson does not believe to be true;

12                   F. Promises of performance that the home contractor does  
13                   not intend to perform or knows will not be performed;

14                   G. Use or employment of any deception, false pretense or  
15                   false promise to cause an owner to enter into a home  
16                   construction or improvement contract; and

18                   H. To act as a home contractor or home contractor  
19                   salesperson under a name other than that stated on the home  
20                   contractor or home contractor salesperson's license;

22                   **2. Licensure.**

24                   A. Misrepresentation of a material fact by an applicant in  
25                   obtaining or attempting to obtain a license;

28                   B. Use or attempted use of a license that has expired or  
29                   that has been revoked;

30                   C. Offer to make or making any home construction or  
31                   improvement without having a valid license under this  
32                   chapter;

34                   D. Advertisement in any manner that a licensee is licensed  
35                   under this chapter unless the advertisement includes an  
36                   accurate reference to the appropriate current license number  
37                   consisting of and limited to a form as prescribed by rule by  
38                   the board; or

40                   E. Aiding or abetting an unlicensed person to violate the  
41                   provisions of this chapter, or knowingly combining or  
42                   conspiring with an unlicensed person, allowing one's license  
43                   to be used by an unlicensed person or acting as an agent,  
44                   partner, associate or otherwise of an unlicensed person with  
45                   intent to violate the provisions of this chapter;

48                   **3. Violation of rules.**

50                   A. Violation of any rule adopted by the board;

- 2           B. Violation of a requirement under this chapter; or  
4           C. Failure to notify the board of any change of address  
              within 10 days of the change.

6  
8           **4. Payments demands; taxes.**

- 10           A. Demanding or receiving payment for home contractor  
              services before the home improvement contract is signed; or  
12           B. Failure to pay all taxes associated with home  
              contracting and home contracting sales;

14  
16           **5. Negligence.**

- 18           A. Abandonment of or willful failure to perform without  
              justification any home construction or home improvement  
20           contract or project engaged in or undertaken by a contractor  
              or deviation from or disregard of plans or specifications in  
              any material respect without the consent of the owners; or  
22           B. Failure to perform under a home construction or home  
24           improvement contract.

26           **§15356. Penalties; injunction**

28           A person who violates section 15347 is subject to the  
              provisions of Title 10, section 8003-C.

30           **§15357. Grounds for disciplinary action**

32           After a hearing pursuant to section 15346, subsection 3, the  
34           board may refuse to issue or renew any license or impose  
              disciplinary sanctions pursuant to Title 10, section 8003 if the  
36           licensee is found to have committed one or more of the following:

38           **1. Criminal record.** Subject to Title 5, chapter 341, any  
              criminal history record information as described in Title 5,  
40           section 5301, subsection 2;

42           **2. Conduct.** An act or conduct that constitutes deceit,  
              misconduct, misrepresentation, fraud, incompetence or gross  
44           negligence in acting as a home contractor or home contractor  
              salesperson;

46           **3. False statement.** Procuring or attempting to procure a  
48           license under this chapter by knowingly making a false statement,  
              submitting false information or making a material  
50           misrepresentation in an application filed with the board;

2           4. Aiding and abetting. Aiding and abetting a person in  
conduct that constitutes a violation of this chapter;

4           5. Rule violation. Violating a rule adopted by the board  
6 or a provision of this chapter; and

8           6. Unprofessional practice. An act or conduct that  
constitutes or demonstrates unprofessional practice.

10 **§15358. Building code**

12           1. Building code designated. A dwelling constructed or  
14 improved on or after the effective date of this Act must be  
constructed or improved in accordance with the International  
16 Residential Code, which is subject to amendment under subsection  
2. The board shall adopt the 2003 edition of the International  
18 Residential Code at its first meeting. The board may adopt  
subsequent editions of the International Residential Code and  
20 designate the effective dates of such subsequent editions. When  
the board adopts a subsequent edition, it shall state clearly  
22 whether amendments adopted to a previous edition under subsection  
2 are applicable to the subsequent edition.

24           2. Amendments to building code. The board may adopt  
26 amendments to the International Residential Code provided such  
amendments are more stringent than the code and upon finding that  
28 such amendments are in the best interests of the consumers in the  
State.

30           3. Preemption. The fire safety codes and standards adopted  
32 pursuant to Title 25, sections 2452 and 2465, the electrical code  
adopted pursuant to section 1153-A and the plumbing code adopted  
34 pursuant to section 3403-B preempt the chapters of the  
International Residential Code that cover the same aspects of  
36 dwelling construction or improvement.

38           The International Residential Code designated in this section  
also preempts provisions of municipally adopted codes that are  
40 less stringent than the provisions of the International  
Residential Code that cover the same aspects of dwelling  
42 construction or improvement.

44           4. Code enforcement. The board shall ensure that dwellings  
are constructed and improved in accordance with the building code  
46 under this section. The board may not shift the costs associated  
with enforcing the building code to municipalities.

2           5. Inspections. The board may contract with municipalities  
3 or with qualified private building inspectors to enforce the  
4 building code established in this section.

6           A. Contracts between the board and private inspectors or  
7 municipalities must include terms that:

8                   (1) Prohibit conflicts of interest;

10                   (2) Specify the scope of work to be performed;

12                   (3) Provide, at a minimum, for the inspection of the  
13 foundation, frame and completed structure;

14                   (4) Specify terms and schedule of payment;

16                   (5) Designate means of resolving disputes arising  
17 under the contracts; and

18                   (6) Allocate liability for nonperformance of  
19 contractual obligations.

22           B. As soon as possible after each inspection of a dwelling,  
23 the board shall provide a written notice of approval of the  
24 portion of the construction as completed or shall specify  
25 any deficiency or failure to comply with the applicable code.

28           §15359. Required contract provisions

30           A home construction or home improvement contract is not  
31 valid or enforceable against an owner unless it:

32                   1. Compliance. Is in compliance with Title 10, chapter  
33 219-A;

34                   2. Writing. Is in writing and legible;

36                   3. Signed. Is signed by the owner and the home contractor  
37 or a home contractor salesperson on behalf of a home contractor;

38                   4. Entire agreement. Contains the entire agreement between  
39 the owner and home contractor;

40                   5. Transaction date. Contains the date of the transaction;

42                   6. Contractor data. Contains the name, street address and  
43 the license number of the home contractor;



2        7. Start and complete dates. Contains the approximate  
starting date and completion date of the home construction or  
home improvement project;

4  
6        8. Licensed contractor or sales person. Is entered into  
with a licensed home contractor or licensed home contractor  
salesperson;

8  
10       9. Notice. Provides a notice in at least 14-point bold  
typeface that gives the toll-free telephone number of the board  
and states;

12  
14       STATE LAW REQUIRES THAT HOME CONTRACTORS AND HOME CONTRACTOR  
SALESPERSONS BE LICENSED BY THE MAINE HOME CONTRACTOR LICENSING  
BOARD IF THE TOTAL PRICE OF THE JOB IS \$1,400 OR MORE, INCLUDING  
16 LABOR AND MATERIALS.

18       LICENSED HOME CONTRACTORS AND HOME CONTRACTOR SALESPERSONS ARE  
REGULATED BY LAWS DESIGNED TO PROTECT THE PUBLIC. YOU MAY CONTACT  
20 THE BOARD TO FIND OUT WHETHER THE HOME CONTRACTOR OR HOME  
CONTRACTORS SALESPERSON HAS A VALID LICENSE. THE BOARD HAS  
22 COMPLETE INFORMATION ON THE HISTORY OF LICENSED CONTRACTORS,  
INCLUDING ANY SUSPENSIONS, REVOCATIONS, COMPLAINTS AND RESOLUTION  
24 OF COMPLAINTS.

26       IF YOU HAVE A COMPLAINT AGAINST A HOME CONTRACTOR OR HOME  
CONTRACTOR SALESPERSON, YOU MAY CONTACT THE BOARD AT THE  
28 TOLL-FREE NUMBER TO OBTAIN A COMPLAINT FORM AND FURTHER  
INFORMATION. YOU MUST FILE ALL COMPLAINTS WITHIN 6 YEARS OF THE  
30 DATE OF THE HOME CONSTRUCTION OR HOME IMPROVEMENT CONTRACT.

32       10. Description of work. Includes a description of the  
work to be performed and the materials to be used and a set of  
34 specifications that can not be changed without the written  
approval of the owner;

36  
38       11. Amount due. Includes the total amount due under the  
contract;

40       12. Down payment. Includes the amount of any down payment,  
which can not exceed 1/3 of the total contract price;

42  
44       13. Progress payments. Includes a schedule of all progress  
payments, if any progress payments are required, showing the  
46 amount of each payment and the state of completion of the work to  
be performed before the progress payment is made;

48       14. Release. Includes a statement that upon satisfactory  
payment being made for any portion of the work performed, the  
50 home contractor shall, prior to any further payment being made,

2 furnish to the person contracting for the home construction or  
3 improvement a full and unconditional release from any claim or  
4 mechanic's lien for that portion of the work being performed;

5 15. Copy of contract. Includes a notice in at least  
6 14-point bold typeface that the owner should not sign the  
7 contract if there are any blanks and that the owner is entitled  
8 to a copy of the contract at the time the owner signs it;

9 16. Right of cancellation. Includes a notice of any 3-day  
10 right of cancellation;

11 17. Collateral. Includes a description of any collateral  
12 taken to secure the contract;

13 18. Permits. Informs the owner that it is the  
14 responsibility of the home contractor to obtain all necessary  
15 permits to perform the work;

16 19. Subcontractors. Includes the names, license numbers  
17 and complete street addresses, of all subcontractors, as defined  
18 in section 15342, subsection 9, on the project;

19 20. Financing. Complies with all applicable state or  
20 federal credit laws if the contract includes financing the work  
21 to be performed;

22 21. Recovery. Includes a statement that any holder of the  
23 contract is subject to all claims and defenses that the owner  
24 could assert against the contractor and that recovery may not  
25 exceed the total contract price; and

26 22. Contract language. Is written in both English and  
27 another language if a language other than English is used in the  
28 negotiation or explanation of the contract or the work to be  
29 performed.

30 **§15360. Prohibited contract provisions**

31 The following provisions, if included in a home construction  
32 or home improvement contract, are void and unenforceable:

33 1. Hold harmless clause. A hold harmless clause;

34 2. Waiver. A waiver of federal, state or local health,  
35 life safety or building code requirements;

36 3. Judgment clause. A confession of judgment clause;

