

MAINE STATE LEGISLATURE

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Date: 4/12/06
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L.D. 2089
(Filing No. H-1006)

3 **Business, Research and Economic Development**

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5 **STATE OF MAINE**
6 **HOUSE OF REPRESENTATIVES**
7 **122ND LEGISLATURE**
8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 1477, L.D. 2089, Bill, "An Act To
10 Require Registration by Residential Construction Contractors"

11 Amend the bill by striking out the title and substituting the following:

12 **'An Act To Amend the Laws Governing Home Construction Contracts To**
13 **Increase Consumer Awareness'**

14 Further amend the bill by striking out everything after the enacting clause and before
15 the summary and inserting in its place the following:

16 **'Sec. 1. 10 MRSA §1487, sub-§11**, as amended by PL 1989, c. 193, §1, is further
17 amended to read:

18 **11. Residential insulation.** If the construction includes installation of insulation in
19 an existing residence, any disclosures required by chapter 219, Insulation Contractors;
20 **and**

21 **Sec. 2. 10 MRSA §1487, sub-§12**, as enacted by PL 1989, c. 193, §2, is further
22 amended to read:

23 **12. Energy standards.** A statement by the contractor that chapter 214 establishes
24 minimum energy efficiency building standards for new residential construction, and
25 whether the new building or an addition to an existing building will meet or exceed those
26 standards;

27 **Sec. 3. 10 MRSA §1487, sub-§13** is enacted to read:

28 **13. Consumer protection information.** As an addendum to the contract, a copy of
29 the Attorney General's consumer protection information on home construction and repair,
30 which includes information on contractors successfully sued by the State, as provided on
31 the Attorney General's publicly accessible website; and

32 **Sec. 4. 10 MRSA §1487, sub-§14** is enacted to read:

33 **14. Attorney General's publicly accessible website.** A clear and conspicuous
34 notice that states that consumers are strongly advised to visit the Attorney General's

1 publicly accessible website to gather current information on how to enforce their rights
2 when constructing or repairing their homes, as well as the Attorney General's publicly
3 accessible website address and telephone number.

4 **Sec. 5. Review.** The Attorney General and the Criminal Law Advisory
5 Commission, pursuant to the Maine Revised Statutes, Title 17-A, section 1351, shall
6 review the provisions of the Maine Criminal Code that are available to prosecute home
7 building and improvement contractors that engage in deceptive and fraudulent business
8 practices and determine whether any changes in the criminal code are appropriate. The
9 Attorney General and the Criminal Law Advisory Commission shall submit any proposed
10 changes to the criminal code to the joint standing committee of the Legislature having
11 jurisdiction over business, research and economic development matters as well as the
12 joint standing committee of the Legislature having jurisdiction over criminal justice and
13 public safety matters by February 1, 2007.

14 **Sec. 6. Effective date.** Those sections of this Act that amend the Maine Revised
15 Statutes, Title 10, section 1487, subsections 11 and 12 and enact subsections 13 and 14
16 take effect September 1, 2006.'

17 **SUMMARY**

18 This amendment replaces the bill. It requires that home construction contracts
19 include as an addendum consumer protection information on home construction and
20 repair as it is provided on the Attorney General's publicly accessible website as well as a
21 clear and conspicuous notice that states consumers are strongly advised to visit the
22 Attorney General's publicly accessible website to gather information on how to enforce
23 their rights when constructing or repairing their home.

24 This amendment also requires the Attorney General and the Criminal Law Advisory
25 Commission to review provisions in the Maine Criminal Code that are available to
26 prosecute home building and improvement contractors that engage in deceptive and
27 fraudulent business practices and determine whether any changes in the criminal code are
28 appropriate. It requires that any proposed changes to the code be submitted to the joint
29 standing committee of the Legislature having jurisdiction over business, research and
30 economic development matters as well as the joint standing committee of the Legislature
31 having jurisdiction over criminal justice and public safety matters by February 1, 2007.

FISCAL NOTE REQUIRED
(See Attached)



122nd MAINE LEGISLATURE

LD 2089

LR 3230(02)

An Act To Require Registration by Residential Construction Contractors

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Business, Research and Economic Development

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The Department of the Attorney General and the Criminal Law Advisory Committee will absorb the additional costs associated with the implementation of this legislation utilizing existing budgeted resources.