

MAINE STATE LEGISLATURE

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SAR
ROS

L.D. 195

Date: 6/2/21

(Filing No. S-137)

MAJORITY

**INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND
BUSINESS**

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 83, L.D. 195, "Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Directing the Department of Professional and Financial Regulation To Develop a Draft Registration Program for General Contractors for Home Improvement and Construction'

Amend the resolve by striking out everything after the title and inserting the following:

'Sec. 1. Registration for general contractors for home improvement and construction. Resolved: That the Commissioner of Professional and Financial Regulation shall develop a draft registration program for general contractors for home improvement and construction.

Sec. 2. Requirements. Resolved: That, in developing a draft registration program as required by section 1, the Commissioner of Professional and Financial Regulation shall consider:

1. "Dwelling" to mean a residential structure that contains one to 4 units, including an individual condominium unit, cooperative unit or, if used as a residence, manufactured housing;

2. "General contractor" to include any individual who undertakes, offers to undertake or submits a bid to build a dwelling or perform any home improvement if the total cost of the project exceeds \$5,000. The commissioner may not consider the term "general contractor" to include:

A. Any individual who builds a dwelling or performs any home improvement on any dwelling that is intended to be used as the individual's residence unless the primary purpose of the structure is a commercial enterprise;

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- B. Any subcontractor working under the direction of a general contractor; or
- C. Any individual licensed as an electrician or plumber or in another profession and who is acting exclusively within the scope of the individual's license;
- 3. "Home improvement" to include building or constructing a dwelling and fixing, replacing, altering, converting, modernizing, improving or making an addition to real property primarily designed or used as a residence. "Home improvement" includes structural work and the construction, installation, replacement and improvement of in-ground swimming pools, porches, kitchens, chimneys, chimney liners, garages, fallout shelters, central air conditioning, central heating, heat pumps, boilers, furnaces, hot water heaters, electric wiring, sewers, plumbing fixtures, storm doors, storm windows or siding and other improvements to structures within the residence or upon the land adjacent to the residence. "Home improvement" does not include landscaping; interior painting or wall covering; finished floor covering, including but not limited to carpeting, vinyl floor covering or tile; fencing or freestanding masonry walls; installation of aboveground swimming pools; shutter or awning installation; installation of ground-level patios; or asphalt and driveway installation and maintenance; and
- 4. The requirements for registration for general contractors to include:
 - A. Disclosure of years of experience in the home improvement and construction industry;
 - B. Workers' compensation insurance;
 - C. Liability insurance;
 - D. Disclosure of prior judgments against the applicant;
 - E. Disclosure of prior bankruptcy petitions filed by or against the applicant;
 - F. Disclosure of status of licensure or registration in other jurisdictions; and
 - G. Applicable fees.

Sec. 3. Draft registration program and legislation. Resolved: That the Department of Professional and Financial Regulation shall submit the draft registration program developed under section 1 and any proposed legislation to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business by December 1, 2021. The committee is authorized to submit a bill based on the draft registration program and proposed legislation to the Second Regular Session of the 130th Legislature.'

Amend the resolve by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the resolve. It directs the Department of Professional and Financial Regulation to develop a draft registration program for general contractors for home improvement and construction. The department is required to submit the draft registration program and any proposed legislation to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business by December 1, 2021,

COMMITTEE AMENDMENT

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and the committee is authorized to submit a bill based on the draft registration program and proposed legislation to the Second Regular Session of the 130th Legislature.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 05/11/21 *MRC*

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LD 195

LR 1692(02)

Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction

**Fiscal Note for Bill as Amended by Committee Amendment 'A'(S-137)
Committee: Innovation, Development, Economic Advancement and Business
Fiscal Note Required: Yes**

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Professional and Financial Regulation to develop a draft registration program for general contractors for home improvement and construction can be absorbed within existing budgeted resources