

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

9. **Employers limit of liability.** An employer shall become liable for the entire occupational deafness to which his employment has contributed, but if previous deafness is established by a hearing test or by other competent evidence, whether or not the employee was exposed to noise within ~~6 months~~ 30 days preceding such test, the employer shall not be liable for previous loss so established, nor shall he be liable for any loss for which compensation has previously been paid or awarded.

Effective July 6, 1978

CHAPTER 660

AN ACT to Require Contracts for the Installation of Insulation.

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

10 MRSA c. 219 is enacted to read:

CHAPTER 219

INSULATION CONTRACTORS

§ 1481. Definitions

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

1. **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.

2. **Person.** "Person" means an individual, a copartnership, corporation or any other legal entity.

3. **Residence or residential.** "Residence" or "residential" shall mean any existing dwelling structure with 3 or less living units whether leased or owner occupied. Except as provided in this subsection, buildings used for commercial or business purposes shall not be subject to the provisions of this chapter.

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

§ 1482. Residential insulation contract

No person shall install insulation in any existing residence for compensation without providing the owner or lessee in advance with a written contract which shall include, but not be limited to, the following provisions which shall be clearly and conspicuously disclosed in the contract:

1. **Resistance factor.** The resistance factor of the insulation per inch and the thickness in inches to be installed;
2. **Type of insulation.** The type of insulation to be installed;
3. **Area covered.** An estimate of the square footage of area to be covered;
4. **Degree of flammability.** The degree of flammability of insulation is not to be less than class one standards;
5. **Method of installation.** The method of installation to be used;
6. **Type of ventilation.** The type of ventilation to be installed. If no ventilation is to be installed, the contract shall so state;
7. **Guarantee against settling.** Whether the installed insulation is guaranteed against settling and, if so, for how long and to what degree; if not, the contract shall so state;
8. **Type of vapor barrier.** The type of vapor barrier to be installed. If no vapor barrier is to be installed, the contract shall so state;
9. **Areas to be insulated.** The areas of the dwelling to be insulated;
10. **Changes required.** Any construction, reconstruction or structural changes required to install the insulation;
11. **Work following insulation.** Any restoration, finishing or cleanup work to be performed following the installation of insulation;
12. **Provisions of warranties.** The provisions of all warranties; and
13. **Names.** The name, business address and owner of the firm providing the goods and services provided herein.

§ 1483. Civil forfeiture; Unfair Trade Practices Act violation

Any person who fails to provide the owner or tenant with an insulation contract, containing at least the minimum information required by section 1482, prior to this installation of insulation into an existing residence shall be deemed to have

committed a civil violation for which a forfeiture of not less than \$200 for the first offense and not less than \$500 for each subsequent offense shall be adjudged. In addition to the civil penalty provided in this section, any violation of this chapter shall constitute a violation of the Unfair Trade Practices Act in Title 5, chapter 10.

§ 1484. Exemption

This chapter shall not apply to any person who provides to the owner or the lessee of a residence the labor or material for installing insulation in that residence if that person is not primarily engaged in the business of installing insulation and if that person does not advertise, solicit or hold himself out as one who installs insulation. For the purposes of this section, the term "not primarily engaged in the business of installing insulation" means having gross receipts for the installation of insulation which do not exceed either \$2,500 for all labor or \$4,500 for all materials in any one calendar year.

Effective July 6, 1978

CHAPTER 661

AN ACT to Revise the Laws Concerning Marine Resources.

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

Sec. 1. 5 MRSA § 1095, sub-§ 3, as repealed and replaced by PL 1975, c. 622, § 38-B, is amended by adding at the end a new paragraph to read:

A commissioner or a deputy commissioner of the Department of Marine Resources may elect to contribute as a member under subsection 1 rather than this subsection if he files a written copy of the election of that choice with the board of trustees.

Sec. 2. 5 MRSA § 1121, sub-§ 1, ¶ D, as last amended by PL 1975, c. 622, § 45, is further amended by adding at the end a new paragraph to read:

A commissioner or a deputy commissioner of the Department of Marine Resources may retire under this paragraph if he has contributed as a law enforcement officer under section 1095, subsection 3.

Sec. 3. 5 MRSA § 8002, sub-§ 2, as enacted by PL 1977, c. 551, § 3, is amended by adding at the end a new sentence to read: