



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

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S.P. 708

In Senate, February 10, 2022

### **An Act To Require Registration by General Contractors for Home Improvement and Construction**

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Reported by Senator CURRY of Waldo for the Joint Standing Committee on Innovation, Development, Economic Advancement and Business pursuant to Resolve 2021, chapter 76, section 3.

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

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

2 **Sec. 1. 32 MRSA c. 147** is enacted to read:

3 **CHAPTER 147**

4 **REGISTRATION FOR GENERAL CONTRACTORS FOR HOME**  
5 **IMPROVEMENT AND CONSTRUCTION**

6 **§18601. Short title**

7 This chapter may be known and cited as "the Residential Construction Contractor  
8 Registration Act."

9 **§18602. Definitions**

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

12 **1. Department.** "Department" means the Department of Professional and Financial  
13 Regulation.

14 **2. Home improvement.** "Home improvement" means any of the following, other than  
15 incidental work:

16 A. Fixing, replacing, altering, converting, modernizing, improving or making an  
17 addition to a residential structure;

18 B. Structural work including the construction, installation, replacement and  
19 improvement of roofing, porches, kitchens, chimneys, chimney liners, central air  
20 conditioning, central heating, heat pumps, boilers, furnaces, hot water heaters, electric  
21 wiring, sewers, plumbing fixtures, storm doors, storm windows or siding and other  
22 improvements to a residential structure; or

23 C. The construction, installation, replacement and improvement of in-ground  
24 swimming pools, garages, fallout shelters or other structures upon the land adjacent to  
25 a residential structure.

26 **3. Incidental work.** "Incidental work" means the construction, installation,  
27 replacement or improvement of:

28 A. Landscaping;

29 B. Interior painting or wall covering;

30 C. Finished floor covering, including but not limited to carpeting, vinyl floor covering  
31 or tile;

32 D. Fencing or freestanding masonry walls;

33 E. Aboveground swimming pools;

34 F. Shutters or awnings;

35 G. Ground-level patios; and

36 H. Driveways.

1            **4. Person.** "Person" means a natural person, corporation, partnership or other business  
2            entity.

3            **5. Registrant or registered residential construction contractor.** "Registrant" or  
4            "registered residential construction contractor" means a person holding a valid registration  
5            under this chapter.

6            **6. Residential construction contract.** "Residential construction contract" means an  
7            agreement or contract to provide home improvement services for more than \$5,000.

8            **7. Residential construction contractor.** "Residential construction contractor" means  
9            a person that undertakes, offers to undertake or submits a bid for a residential construction  
10           contract.

11           **8. Residential structure or dwelling.** "Residential structure" or "dwelling" means a  
12           residential structure that contains at least one but not more than 4 units, including an  
13           individual condominium unit or cooperative unit or, if used as a residence, manufactured  
14           housing.

15           **§18603. Exemptions**

16           The following persons are exempt from this chapter:

17           **1. Homeowners.** An individual who builds a dwelling or performs any home  
18           improvement on a dwelling that is intended to be used as the individual's residence unless  
19           the primary purpose of the structure is a commercial enterprise;

20           **2. Engineers and architects.** Professional engineers licensed under chapter 19 and  
21           architects licensed under chapter 3-A;

22           **3. Oil burner or solid fuel technicians; propane and natural gas technicians.** Oil  
23           burner or solid fuel technicians and propane and natural gas technicians licensed under  
24           chapter 139;

25           **4. Manufacturers and dealers of manufactured housing.** Manufacturers and dealers  
26           of manufactured housing licensed under Title 10, chapter 951;

27           **5. Plumbers and electricians.** Plumbers licensed under chapter 49 and electricians  
28           licensed under chapter 17;

29           **6. Employees.** Persons acting within the scope of their employment under the authority  
30           of a registered residential construction contractor;

31           **7. Subcontractors.** A person working as a subcontractor under a contract with a  
32           registered residential construction contractor;

33           **8. Persons that perform work in emergency situations.** A person that performs  
34           home improvement work in response to an emergency, as long as the person applies for  
35           registration under this chapter within a reasonable time after performing the work; and

36           **9. Persons working on buildings used for commercial or business purposes.**  
37           Persons building, altering or repairing buildings used for commercial or business purposes.

38           **§18604. Registration required**

39           Except as provided in section 18603, a person may not undertake, offer to undertake  
40           or submit a bid for a residential construction contract unless registered in accordance with  
41           this chapter.

1           **§18605. Application**

2           An application for registration under this chapter must be in writing, under oath and in  
3 an electronic form prescribed by the department.

4           **I. Requirements.** An application under this section must include:

5           A. The applicant's name, physical address, mailing address if different, e-mail address  
6 and telephone number;

7           B. If the applicant is an individual, the applicant's date of birth or, if the applicant is an  
8 entity other than an individual, the applicant's employer identification number and the  
9 name of the individual authorized to file the application on behalf of the applicant and:

10           (1) If the applicant is a corporation or limited liability company, the date and state  
11 of incorporation and the name, physical address, mailing address if different and  
12 telephone number of individuals with the authority to bind the organization; or

13           (2) If the applicant is a partnership or limited liability partnership, the state where  
14 the partnership agreement is filed;

15           C. Any website or business-related social media maintained by or for the benefit of the  
16 applicant;

17           D. The number of years the applicant has provided home improvement services;

18           E. Information for the 10-year period immediately preceding application relating to  
19 any criminal convictions, guilty pleas or no contest pleas of the applicant or any officer,  
20 director or general partner of the applicant relating to fraud, false statement or  
21 omission, wrongful taking of property, bribery, perjury or conspiracy to commit any of  
22 these crimes, including any such convictions, guilty pleas or no contest pleas in a  
23 military court in this State or any other state;

24           F. Information for the 10-year period immediately preceding application relating to any  
25 bankruptcy petitions filed by or against the applicant, any business with which the  
26 applicant was associated or any officer, director or general partner of the applicant in  
27 this State or any other state;

28           G. Information for the 10-year period immediately preceding application relating to  
29 any judgments or liens against the applicant, any business with which the applicant was  
30 associated or any officer, director or general partner of the applicant in this State or any  
31 other state;

32           H. The applicant's workers' compensation insurance policy company name and policy  
33 number;

34           I. The applicant's liability insurance policy company name and policy number, if any;

35           J. Information about the status of all professional or occupational licenses and  
36 registrations in all jurisdictions in which the applicant holds or has held a license within  
37 the 10-year period immediately preceding application. For the purposes of this section,  
38 an applicant may affirm that a license is in good standing in another jurisdiction only  
39 if the applicant:

40           (1) Does not have a complaint, allegation or investigation pending;

41           (2) Does not have a license that is suspended or subject to practice restrictions; and

