



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1057

S.P. 426

In Senate, March 7, 2023

**An Act to Promote Consumer Protections in the Residential  
Building Sector by Requiring Contractors and Subcontractors to  
Supply Evidence of Insurance**

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

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

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CURRY of Waldo.

Cosponsored by Representatives: DUCHARME of Madison, RISEMAN of Harrison.

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

2 **Sec. 1. 25 MRSA §2448**, as amended by PL 2009, c. 364, §1, is repealed and the  
3 following enacted in its place:

4 **§2448. Construction permit; when required**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
6 following terms have the following meanings.

7 A. "Public building" includes any building or structure constructed, operated or  
8 maintained for use by the general public, including, but not limited to, all buildings or  
9 portions of buildings used for:

10 (1) A schoolhouse, hospital, convalescent home, nursing home or boarding home  
11 to be licensed by the Department of Health and Human Services, Division of  
12 Licensing and Regulatory Services;

13 (2) A theater or other place of public assembly, mercantile occupancy over 3,000  
14 square feet, hotel, motel or business occupancy of 2 or more stories; or

15 (3) Any building to be state-owned or state-operated.

16 B. "True copy" means an accurate representation by dimensioned plans and  
17 specifications of the final construction documents.

18 **2. Permit required.** A property owner, agent or representative of the owner may not:

19 A. Construct, alter or change the use of any structure to become a public building  
20 without first obtaining from the Commissioner of Public Safety or from a municipality  
21 designated pursuant to section 2448-A a permit for that purpose. A request for a permit  
22 must be accompanied by a true copy of the plans and specifications for that  
23 construction, alteration or change of use; or

24 B. Construct or alter a residential building without first obtaining from the  
25 Commissioner of Public Safety or from a municipality designated pursuant to section  
26 2448-A a permit for that purpose. A request for a permit must be accompanied by  
27 either:

28 (1) A certificate of insurance or other proof that the contractor and any  
29 subcontractor performing the work has contractor liability insurance and workers'  
30 compensation insurance; or

31 (2) A waiver signed by the property owner, agent or representative of the owner  
32 stating that the owner accepts responsibility for the increased risk of engaging a  
33 contractor or subcontractor without the insurance described in subparagraph (1).

34 The commissioner must issue a permit only if the plans comply with statutes and lawful  
35 rules adopted to reduce fire hazards and are accompanied by the documents required by  
36 paragraph B.

37 **SUMMARY**

38 This bill requires a request for a permit for a residential building to be accompanied by  
39 either a certificate of insurance or other proof that the contractor and any subcontractor  
40 performing the work has contractor liability insurance and workers' compensation

1 insurance or a waiver that indicates the property owner accepts responsibility for the  
2 increased risk of engaging a contractor or subcontractor without proof of liability or  
3 workers' compensation insurance.