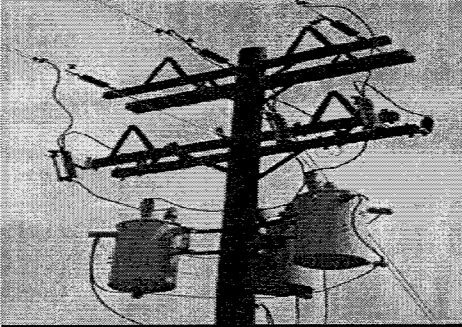


MECA
Fall 2007



2007 TRADESHOW
VENDORS

ASNE
Advanced Safety Systems
Arthur J. Hurley Co.
CLS
Candels Consulting LLC
Clifford of Vermont
Columbia Electric Supply
ConEst Software Systems
Current Tools
E-Mon
Electrical Wholesalers
Federated Insurance
Fire Systems
Flynn & Reynolds
GE Consumer & Industrial
KD Benefits
Kevin Saunders
Kidde
Lightolier
MF&T Insurance
Mammoth Fire Alarms
NSTAR
New England Detroit Diesel
NorthEast Electrical
Distributors
Ralph Pill Electric Supply
Skillers Workwear
Standard Electric
Unifirst
Volume Lighting
Yusen Associates

Massachusetts Electrical Contractors Association

NEWS



MECA ANNUAL TRADESHOW & MEETING

Thursday, November 1st ~ The Lantana in Randolph ~ 2-7:00PM

Save the Date!

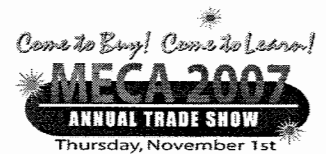
MECA will hold its Annual Trade Show/Dinner on November 1st, 2007 at The Lantana in Randolph from 2:00-7:00 P.M. The Annual Dinner/Meeting will commence at 7:00 P.M.

Our members, attendees and exhibitors are electrical contractors, supply houses, buyers of electrical products, distributors, manufacturers, and instructors from the New England area and are committed to excellence in the electrical and fire alarm industry. The MECA Trade Show offers the newest products and business solutions to the electrical community.

If you are looking for a reason to attend, here are just a few:

- Learn about new innovations that will carry your business successfully into the future.
- Meet and network with national electrical experts.
- Visit with exhibitors showcasing the latest products and services in the industry.
- Take part of our \$5,000 Raffle, you can't win if you don't play!
- Gain knowledge to stay abreast of your competition.

Come and see what we are all about! Don't let the opportunity pass you by to attend one of the largest Electrical Trade Shows in Massachusetts.



If you would like more info about MECA's Annual Trade Show/Dinner log on to: www.meca-network.org or call Lisa at 781-320-9811.

www.meca-network.org

From the President's Desk

As I near the end of my term of office, I leave you with a few of my thoughts, concerns and general observations. First and foremost, I move on secure in the knowledge that the membership is blessed with a strong board at the state level, dedicated professionals who are determined to keep this organization moving in the right direction. The recent past has not been without its challenges, but those gentlemen who make their way to the state board meeting each and every month have risen to meet those challenges, and deserve your gratitude and respect.

The legislative front continues to be one which produces bills that have the potential to impact our industry, and not necessarily in a

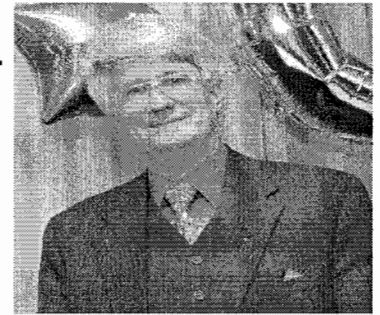


favorable way. On the whole, I am skeptical of proposed legislation that purports to be of great benefit to the

public, when, generally speaking, no one from the general public has written said legislation, or for that matter, is even aware of its existence. All too often, these proposed bills are a thinly veiled attempt to protect and profit one segment of a given industry at the expense of another; more often than not, it serves to create a system with less competition and greater inefficiencies that must be borne by the general public. Representative of this sort of lawmaking is Senate Bill 204, which sets out to create a new category of (telecommunications) licenses,

along with the requisite rules, additional members to the Board of Electrical Examiners, a nine member policy advisory board, and an expansion of those devices and equipment which would require said license to sell and install. One result could be the gradual elimination of A and B license holders' rights to perform such work in the future.

But the inevitable result is that costs to the average consumer would rise. The standard mantra that accompanies this (and other) bills is that public safety is a concern that must be addressed, and that this or that piece of legislation serves to address such pressing concerns. Maybe. But I've been reading the newspapers on a daily basis for the last twenty-five years, and I have yet to see a headline that screams "Man electrocuted due to faulty computer cable installation!" Nor have I seen hordes of protesters representing a concerned populace picketing the State House demanding that telephone installers be licensed. This is, as I am fond of saying, an elegant solution in search of a problem. The main thrust of this and so much other proposed legislation is one of protecting a particular sector's economic turf, and not society at large. That's bad economic policy, and at a time when the cost of both durable and consumable goods continue to outpace the ability of the general public to pay for them, it is policy that we as a society can ill afford.



Stopping at the electrical supply store the other day, I couldn't help but notice how the level of activity at the counter had declined, especially compared with a couple of years ago. The clerk affirmed that fact, "Yeah, been kinda slow". Equally disconcerting: a General Electric coaxial splitter marked "Made in China", Siemens and Bryant circuit breakers both stamped "Made in Mexico". And I listened to a report on the evening news stating that the manufacturing base in Massachusetts had shrunk to less than fourteen per cent of the economy, reaching historic lows. Doubtless the proliferation of new casinos in the place of shuttered factories will make up for our inability to produce anything of durable and exportable value in this state.

I am encouraged by the increasing participation at the chapter level. In the face of, at best, a stagnant economy, it is most important that members stick together to best take advantage of those resources that are made available to them. Or, as Benjamin Franklin once said, "We must all hang together, or assuredly we shall all hang separately".

*John R. Funderburk
President, MECA*

When Your Customer Doesn't Pay Should You Stop Work?

E. Mel Nash & Ross C. Wecker, Attorneys at Law

If you, as an Electrician, refuse to continue work because your customer fails to pay, when should you stop work? Before this question can be answered, certain facts must be known. Do you have a written contract with your customer? If you do, does the contract set forth payment terms? Have those payment terms been met, or has your customer failed to pay within the stated terms? Is the failure to pay a minor amount or is the failure to pay material? Is there a dispute over the work that represents the unpaid amount? All of these facts need to be carefully considered before you decide to stop work. If you quit work and, in fact, your customer has only failed to pay a minor amount, then, while you have a right to insist on payment of that past due amount, you would likely be in breach of contract for stopping work on the job.

In a previous article written in this Newsletter, we stressed the importance of having a written contract. We pointed out that only with a written contract could you record a Mechanics Lien. Recording a Mechanics Lien provides you with the added security of a lien against the Owner's property. This is a valuable form of security that protects

you from nonpayment and gives you the ability to put some pressure on your customer without stopping work on the job.

It is our understanding that on relatively small jobs, Electricians often do not enter into written contracts. Although this is not preferable practice for the previously stated reasons, it is somewhat mitigated by our understanding that on many projects Electricians obtain 1/3 down at the time that the contract is entered into with similar payments made throughout the progress of the work. If this

"...you should really seek legal advice before you stop work...failure to continue itself might be a breach of contract..."

is your practice, then, obviously it is necessary that your customer not be allowed to get ahead of you! Put another way, you, as the Electrician, should have money in the bank as security for the work you are about to perform. Without this advance payment, and without a written contract necessary to record a Mechanics Lien, you run the risk of being hung out to dry, should your customer fail to pay!



If you do have a written contract, it should contain specific payment

terms. In addition, such written contract should include language which permits you to stop work should these payment terms not be met. Finally, your contract should provide for the payment of your legal fees and court costs should it become necessary for you to hire an attorney to collect past due balances.

In conclusion, should you find yourself in a position where you have performed your work and your customer has failed to make payment in accordance with your agreement, you should really seek legal advice before you stop work. Your failure to continue might itself be a breach of contract for which you could be held legally responsible for amounts far greater than that which you are owed.

MECA members and Massachusetts attorneys Mel Nash and Ross Wecker specialize in construction law.

They may be reached at Nash & Wecker, 1330 Beacon St., Brookline, MA 02446 (Phone 617-264-9998)