

MAINE STATE LEGISLATURE

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Ms
i. of S.

L.D. 891

Date: 6-4-15

(Filing No. H-304)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 610,
L.D. 891, Bill, "An Act To Help Municipalities Dispose of Certain Abandoned Property"

Amend the amendment by striking out all of section 1 and inserting the following:

'Sec. 1. 30-A MRSA §3106-A is enacted to read:

§3106-A. Municipal authority to manage abandoned mobile homes

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

A. "Mobile home" has the same meaning as in Title 10, section 9091, subsection 1.

B. "Property defect" means a condition that, in the judgment of the municipality, contributes to blight as a result of the continued lack of care, maintenance or security of a property.

C. "Responsible party" includes the owner or owners of record for a mobile home, not including a mortgagee.

2. Municipal authority. In accordance with this section, the municipal officers or their designees may regulate the care, maintenance and security of a mobile home determined to be abandoned under subsection 4 if the responsible parties fail to address the property defects after notice and an opportunity to comply, and the municipality may recover its costs from the responsible parties. The authority established by this section may not be construed to replace or supplant any municipal authority to provide for basic necessities under Title 14, section 6026-A or address dangerous buildings under Title 17, chapter 91, subchapter 4. Municipal action under this section may not be interpreted to bestow any responsibility on the municipality to safeguard or otherwise preserve or protect an abandoned mobile home. A municipality is authorized to take corrective action in accordance with this section, up to and including taking possession of and disposing of an abandoned mobile home and all related personal property.

3. Notice of foreclosure; designation of representative. When initiating a foreclosure action on a property, a foreclosing mortgagee shall notify the municipality where the property is situated and designate an in-state representative responsible for responding to municipal inquiries regarding the property. The foreclosing mortgagee

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1 shall provide the municipality where the property is located with the contact information
2 for the mortgagee's in-state representative: For the purposes of this subsection, "contact
3 information" means both a mailing address and a direct telephone number with a
4 functioning voice mailbox, as well as the in-state representative's direct e-mail address
5 when available.

6 **4. Determination of abandonment.** Before a municipality may initiate corrective
7 measures to address property defects pursuant to this section, either a court or the
8 municipal officers must have determined that the mobile home has been abandoned
9 according to the evidence of abandonment described in Title 14, section 6326, subsection
10 2, paragraph A, C, D, E, F, G or H.

11 A. The municipal officers shall provide notice to the responsible party and hold a
12 hearing before making a determination that a mobile home has been abandoned. The
13 notice of hearing must:

- 14 (1) State the scheduled date, time and location of the hearing; and
- 15 (2) Inform the responsible party that, upon a finding of abandonment, the
16 municipality may require the responsible party to correct any property defects
17 within 60 days of issuing a notice to correct.

18 B. A hearing under paragraph A must be held not less than 7 days after receipt or
19 publication of the notice.

20 C. An order issued by the municipality determining that a mobile home is abandoned
21 may be combined with the notice to correct set forth in subsection 5.

22 **5. Notice to correct.** Upon a finding of abandonment, the municipal officers may
23 give written notice to the responsible party to correct the property defect. The municipal
24 notice to correct under this subsection must:

- 25 A. Identify the property defect;
- 26 B. State the municipality's intention to take appropriate preventive or corrective
27 measures to address the property defect;
- 28 C. Identify the measures the municipality will take if the responsible party has not
29 remedied the property defect identified within 60 days of the notice to correct;
- 30 D. State the municipality's intention to subsequently recover the municipality's
31 direct, legal and administrative costs from the responsible party;
- 32 E. Inform the responsible party of the responsible party's ability to avert the
33 municipality's actions by remedying the property defect as identified in the notice;
34 and
- 35 F. State the municipality's intention to take possession of and dispose of the mobile
36 home and all related personal property if the responsible party has not remedied the
37 property defect identified within 60 days of the notice to correct.

38 **6. Notice process.** A notice required to be given under this section is governed by
39 the following.

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1 8. It removes the requirement that a notice to correct be attached to the mobile home.

2 SPONSORED BY: *Joseph A. Maker*

3 (Representative **MAKER**)

4 TOWN: Calais

HOUSE AMENDMENT