

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

PROPERTY TAX APPEALS

ARTICLE 1. MUNICIPAL VALUATION APPEALS BOARD

Sec. 11. 36 MRSA c. 101, sub-c. III, Art. 2, is enacted to read:

ARTICLE 2. LAND CLASSIFICATION APPEALS BOARD

§ 297. Purpose; composition

The Land Classification Appeals Board is established to hear appeals from decisions of municipal tax assessors, chief assessors and the State Tax Assessor acting as assessor of the unorganized territory relating to the Maine Tree Growth Tax Law or the Farm Productivity and Open Space Land Law. The board shall be composed of 3 voting members: The Commissioner of Conservation or his designee; the Commissioner of Agriculture or his designee; and the person who, pursuant to section 584, is currently serving on the Forest Land Valuation Advisory Council as the landowner member. The Commissioner of Finance and Administration or his designee shall serve in an advisory capacity as a nonvoting member and as chairman of the board. The landowner member shall be compensated by the Bureau of Taxation at \$25 per day plus actual expenses. All other members shall be compensated by the agency they represent for actual expenses incurred in the performance of their duties under this section.

§ 298. Hearing

On receipt of an application for review by the Land Classification Appeals Board, the chairman shall designate a time and place for hearing and make such other arrangements for such hearing as may be necessary. The board may summons witnesses, administer oaths, order the production of books, records, papers, instruments and any additional evidence it deems necessary in order to make a decision. The board may affirm, reject or amend determinations of assessors, chief assessors and the State Tax Assessor, made pursuant to the Maine Tree Growth Tax Law or the Farm Productivity and Open Space Law. The board may order a refund in whole or in part of any taxes, costs, penalties or interest thereon which have been erroneously or unjustly paid. If the board fails to give written notice of its decision within 90 days of the filing of such an appeal, the appeal shall be deemed to have been denied and the applicant may appeal further as provided, unless the applicant shall have consented in writing to further delay.

Effective October 24, 1977

CHAPTER 550

AN ACT to Provide for the Licensing of Mobile Homes and Modular Housing Dealers and Mechanics.

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

Sec. 1. 10 MRSA Pt. 11, c. 951, is enacted to read:

PART II
HOUSING
CHAPTER 951
MANUFACTURED HOUSING ACT
SUBCHAPTER I
GENERAL PROVISIONS

§ 9001. Declaration of purpose

1. Declaration. It is found and declared that:

A. The production and utilization of manufactured housing, including mobile home and modular housing, and the use of new and improving technologies, techniques, methods and materials has and will increase the available supply of housing at prices which residents of this State can afford;

B. It is in the interest of the people of this State that such housing be safe from hazardous defects and that its construction and installation should include adequate regulation to establish minimum safety standards which can reduce defects and also provide uniformity of standards to reduce costs and provide confidence in such housing; and

C. That the production and use of manufactured housing utilizing production technologies, techniques, methods and materials requires the application and enforcement of uniform building codes and installation standards within this State.

2. Intent. It is therefore declared that the State of Maine, with the passage of this Act, intends:

A. To provide protection to the public against hazards from poorly constructed or installed manufactured housing;

B. To provide uniform performance standards for construction and installation of manufactured housing which encourage the use of new and improved technologies, techniques, methods and materials throughout the State;

C. To eliminate all costly, duplicative regulations and to promulgate regulations which provide for minimum performance necessary to provide decent, safe and sanitary housing at prices that people of this State can afford and to establish regulations which shall govern such matters within this State;

D. To establish an administrative board for the purpose of administering and enforcing this Act;

E. To require this board to assume such responsibilities as are consistent with this Act, including administration and enforcement of regulations,

investigations of complaints and any other acts which are consistent with the purposes of this Act, including all responsibilities of the Maine State Housing Authority under the Industrialized Housing Law, Title 30, chapter 239, subchapter II, article 7, as heretofore enacted and modified;

F. To have this board, in the administration of this Act, give consideration to economic factors which may result in additional costs to home buyers and eliminate any unnecessary costs which may occur from the enforcement of this or any other Act; and

G. To grant to such board the investigative and regulatory powers it may reasonably require to accomplish the foregoing purposes and intent.

§ 9002. Definitions

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

1. Board. "Board" means the Manufactured Housing Board.
2. Dealer. "Dealer" means any person engaged in the retail selling, leasing or distribution of new manufactured homes, primarily to a person who, in good faith, purchases or leases such homes for purposes other than resale.
3. Federal Mobile Home Construction and Safety Standard. "Federal Mobile Home Construction and Safety Standard" means the standard for construction, design and performance of a mobile home which has been duly adopted by the Federal Government pursuant to the National Mobile Home Construction and Safety Standards Act of 1974 (P.L. 93-383, Title VI), or any successive legislation.
4. H.U.D. "H.U.D." means United States Department of Housing and Urban Development, a federal governmental agency.
5. Inspection agency. "Inspection agency" means an approved person or organization, public or private, determined by the board to be qualified by reason of facilities, personnel and demonstrated ability and independence of judgment to provide for inspection and approval of the construction or installation of manufactured housing in compliance with the standards and the regulations promulgated in accordance with this Act.
6. Installation. "Installation" means the process of affixing or assembling or setting up manufactured housing on foundations or supports at a building site and includes the connection to necessary systems, such as electrical, oil burner, gas, water, sewage and any others which are necessary for the use of the house for dwelling or commercial purposes.
7. Manufactured housing. "Manufactured housing" means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes mobile homes, modular homes and any other type of building or housing component which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim.

8. **Manufacturer.** "Manufacturer" means any person engaged in manufacturing or producing manufactured housing and then selling it to a dealer.

9. **Mechanic.** "Mechanic" means any person engaged in servicing or installing manufactured housing for compensation and is not a regular employee of a manufacturer or a dealer.

10. **Mobile home.** "Mobile home" means a structure which is a type of manufactured housing and is transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

11. **Modular home.** "Modular home" means a structure which is a type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

§ 9003. Manufactured Housing Board

1. **Established.** There is created and established in the Department of Business Regulation the Manufactured Housing Board which shall have the responsibility of administering and enforcing this chapter. The board shall consist of 5 members appointed by the Governor.

2. **Composition and terms of the members.** The members of the board shall include a representative who is a manufactured housing owner; a representative who is a professional engineer with demonstrated experience in construction and building technology; a representative who is a dealer or mechanic; a representative who is a general representative of the manufactured housing industry; and a representative with a minimum of 2 years of practical experience in building code administration and enforcement. The term of office of the appointed members is for 4 years, except that initially one member shall be appointed for one year; one member for 2 years; one member for 3 years; and 2 members for 4 years. Members may be appointed to successive terms. Members shall serve for their appointed term and until their successor is appointed and duly qualified, except that any member of the board may be removed for cause by the Governor. No board member may serve more than 2 consecutive terms.

3. **Vacancies.** If, by virtue of death, removal, resignation or otherwise, a vacancy occurs prior to the expiration of a term or appointment, the Governor shall appoint a successor to serve the balance of the unexpired term. The Governor may appoint a temporary member to fill any vacancy occurring on the board; such temporary member may serve for a period of not exceeding 120 days from the date of such appointment.

4. **Duties.** The board shall administer and enforce this Act.

5. **Compensation.** The appointed members of the board are entitled to \$35 per day and their necessary traveling expenses for actual attendance at meetings and hearings or for any other official business of the board.

6. **Organization.** The members of the board shall annually, in the month of January, elect one of its members as a chairman and one of its members as a vice-chairman. The chairman, or in his absence the vice-chairman, shall call and preside at all meetings and hearings.

7. **Meetings.** Three members of the board shall constitute a quorum. The board shall meet at the written request of the director or of a majority of the members of the board. Meetings of the board shall be held at such time and place as shall be determined by the board. At least 6 meetings per calendar year shall be held.

8. **Administration.** Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

9. **Federal funds and other funding sources.** The board shall have authority to seek and receive funds from the Federal Government and other public or private funds from the Federal Government and other public or private sources to further its activities under this chapter, subject to the approval of the commissioner.

§ 9004. Employees

1. **Executive director.** The commissioner may appoint or remove, for cause with the advice of the board, an executive director who shall be principal administrative and supervisory employee of the board. He shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the purposes of this chapter.

2. **Employees.** The executive director, with the advice of the board and the commissioner, may employ, subject to the Personnel Law, persons necessary to carry out this chapter. Any person so employed shall be an employee of the Department of Business Regulation, except that they shall be under the direction and supervision of the executive director of the board.

§ 9005. Rules and Regulations

1. **Rule-making.** The board shall propose, revise, adopt and enforce rules and regulations necessary to carry out this chapter. The board may delegate the enforcement authority to employees.

2. **Rules and regulations.** Rules and regulations of the board shall be adopted, amended or repealed only in accordance with the following procedure.

A. Notice of intended action to adopt, amend or repeal rules shall be published for at least 5 days in 2 daily papers of statewide circulation, beginning at least 35 days before the rule-making action proposed by the board, and shall indicate the time and place for the public hearing and a general description of the proposed rules.

B. For at least 30 days prior to the hearing, the board shall make available copies of the proposed rule changes.

C. The board shall hold a public hearing for interested parties to present oral or written comments.

D. The board may adopt, by affirmative vote of at least 3 of its members, the regulations at a subsequent meeting of the board. The proposed regulations may be amended by a majority vote of 3 or more members. Regulations finally adopted may vary from regulations originally proposed pursuant to paragraph B, but shall not have a scope significantly broader than the regulations originally proposed.

3. Register. The board shall establish and maintain a register of persons who are licensed, regulated or otherwise have a substantial interest in the actions of the board and these persons shall be notified of the meetings and hearings of the board and shall be provided with copies of the proposed rules at least 30 days prior to any hearing for the purpose of receiving public comment.

4. Effective date. The rules and regulations adopted by the board, and any amendments thereto, shall be effective 30 days after a copy is filed with the Secretary of State. A copy shall be mailed to each licensee.

§ 9006. Standards

1. Standards. The board shall, by regulation, adopt a nationally recognized standard, where available and not incompatible with local needs, for the construction and the installation of new manufactured housing.

2. Approval. The board shall approve for sale or installation all new manufactured housing which complies with the regulations and standards authorized by this chapter or shall delegate the authority to inspect and approve the manufactured housing by inspection agencies authorized by the board.

3. Exemption. New manufactured housing which is manufactured, sold, installed or serviced in compliance with this chapter shall be exempt from all state or other political subdivision codes, standards or regulations which regulate the same matters.

§ 9007. Reciprocity

1. Standards. If the board finds that the standards for the manufacture and inspection of manufactured housing prescribed by statute or rule and regulation of another state, or other governmental agency, meet the objectives of this chapter and the rules and regulations promulgated pursuant hereto, and are enforced satisfactorily by such other state, or other governmental agency, or by their agents, the board may accept manufactured housing which has been certified by such other state or governmental agency as being in compliance with the provisions of this chapter. The standards of another state shall not be deemed to be satisfactorily enforced unless such other state provides for notification to the board of suspensions or revocations of approvals issued by that other state, in a manner satisfactory to the board and so notifies the board.

2. Suspension or revocation. The board shall suspend or revoke, or cause

to be suspended or revoked, its acceptance or certification, or both, of certified manufactured housing, if it determines that the standards for the manufacture and inspection of such manufactured housing of another state or governmental agency do not meet the objectives of this chapter and the rules and regulations promulgated pursuant hereto, or that the standards are not being enforced to the satisfaction of the board. Notice of the suspension or revocation shall be in writing with the reasons for the suspension or revocation set forth therein. Appeals from suspensions or revocations shall receive timely review, pursuant to section 900.

3. Suspension or revocation; State or agency. If another state or governmental agency, or its agent, suspends or revokes its approval or certification, the acceptance or certification, or both, granted under this section shall be suspended or revoked accordingly.

4. Cooperation. In order to encourage reciprocity, the board shall cooperate with similar authorities in other jurisdictions, with national standards organizations and with model code procedures for testing, evaluating, approving and inspecting manufactured housing, and otherwise encouraging their production and acceptance.

5. Agreement. The board shall not grant this reciprocity unless the recipient state enters into an agreement with the board whereby manufactured housing manufactured within Maine and regulated under the provisions of this chapter shall be deemed approved for sale in that recipient state.

6. Formal agreements. The board, subject to the approval of the Commissioner of Business Regulation, may enter into formal agreements with the agencies or authorities of other states, or other governmental agencies, or their agents to carry out the purpose of this chapter.

§ 9008. Prohibited Practices

1. Licenses. No person shall manufacture, sell, lease, install or service any new manufactured housing in this State without first obtaining a license from the board as required in this chapter.

2. Violation of rules, regulations and standards. No person shall knowingly manufacture, sell, lease, install or service manufactured housing in the State of Maine that is not in compliance with the rules, regulations and standards authorized under this chapter.

§ 9009. Investigations; suspensions; revocations

1. Investigations. The board is authorized to conduct any inspections and investigations as may be necessary to carry out responsibilities under this chapter. The board is authorized to contract with local governments and private inspection organizations to carry out such inspection functions to the extent not prohibited by federal law, rule or regulation.

2. Investigation of complaints; revocation or suspension of licenses. The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. If, after investigation and hearing, the board determines that the manufacturer,

dealer or mechanic has violated this chapter, the board shall have the authority to suspend a license or approval until that complaint can be heard by the Administrative Court. The Administrative Court shall have the power to suspend or revoke a license or approval of any manufacturer, dealer or mechanic who is found to have violated the rules and regulations promulgated pursuant to this chapter. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, providing 3 or more members of the board vote in favor of such reissuance.

§ 9010. Appeals

Any person aggrieved by any decision or action of the board may petition the Administrative Court for a hearing within 30 days of such decision or action in the manner provided by Title 5, chapters 301-307. The action of the board appealed from shall be stayed automatically for a period not to exceed 30 days commencing with the date of service of notice of appeal on the board. Such stay may be extended by order of the Administrative Court upon finding that irreparable injury to the rights of an aggrieved person would otherwise result, and a further appeal may, within 30 days, be taken by any party to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be a trial de novo without a jury.

§ 9011. Enforcement and penalties

1. Inspection of violations. The board may, upon probable cause, inspect the manufactured housing, manufacturing facilities, a licensee's business facilities or such records as may be necessary to verify whether a violation has occurred. If the board finds that a violation has occurred, it shall proceed as in section 9009.

2. Petition to initiate legal action. The board may petition the Attorney General to initiate legal action in the Superior Court for appropriate monetary or injunctive relief to enforce this chapter.

3. Penalties. Any person found guilty of violation of this chapter may be required to pay a civil penalty of not more than \$1,000 for each such violation, but not more than \$5,000 for an action consisting of separate violations.

4. Private actions. Any person damaged as a result of a violation of this chapter shall also have a cause of action in the Superior Court against the person responsible for the manufacture, sale, lease, installation or service, and the court may award appropriate damages and cost for litigation in its judgment.

5. Crime designated. An individual or a director, officer or agent of a corporation who knowingly and willfully violates section 9008 in a manner which threatens the health or safety of any purchaser shall be guilty of a Class E crime.

§ 9012. Confidential Information

1. Reported information. All information reported to or otherwise obtained by the board, its director or any of its employees which contains or relates to a trade secret, or which, if disclosed would put the person furnishing the information at a substantial competitive disadvantage, shall be considered

confidential, except that the information may be disclosed to other federal, state or local officials concerned with enforcement of this chapter or when relevant in any proceeding under this chapter or any related law, rule or regulation.

2. Refusal to release information. In any action brought against a member, officer or employee of the board pursuant to Title 1, section 410, for refusal to release information in the custody or control of the board, it shall be a defense if the defendant refused to release the information in the good faith belief that such information was rendered confidential by the terms of subsection 1.

3. State not liable. No action for damages shall accrue against the State or the board, or the members, officers or employees of the board:

A. For the mistaken release of information rendered confidential by subsection 1.

§ 9013. Fees

The board may establish and collect the following fees:

1. Fee for new units. A fee not exceeding \$25 for each new unit which is installed in this State. All unit fees shall be paid to the Treasurer of State for deposit in the General Fund;

2. License fees. The license fees provided for in subchapter II. All license fees collected shall be paid to the Treasurer of State for deposit in the General Fund; and

3. Fee for inspection. A fee not exceeding \$15 per hour for inspection and approval of manufactured housing to be paid by the party requesting such services or for the investigation and notification process of a valid complaint to be paid by the party responsible for noncompliance. The inspection fees collected shall be paid to the Treasurer of State to be used for carrying out this chapter. Any balance of those inspection fees shall not lapse, but shall be carried forward as a continuing account to be expended for the purpose of this chapter.

§ 9014. Authorized inspection agencies

1. Establishment of procedures and standards. The board shall, by regulation, establish procedures and standards for the qualification of private or public agencies to perform evaluation and inspection services required by this subchapter. Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building, ASTM-E 541-75, as adopted by the American Society of Testing and Materials shall be considered by the board in adopting such standards and procedures.

2. Inspection agencies. The board shall qualify as inspection agencies only those persons or organizations which it determines to comply with the standards adopted by the board pursuant to subsection 1. Inspection agencies qualified under this subsection may contract with manufactured housing manufacturers to provide inspection services required by this subchapter.

3. Suspension of qualification. Qualification of an inspection agency shall be suspended by the board if, after appropriate notice and administrative hearing, it determines the agency is no longer qualified as meeting the standards adopted pursuant to subsection 1. The board may conduct such reviews of the work of a qualified agency as the board determines are necessary to reasonably assure continuing compliance of such qualified agency with the standards adopted pursuant to subsection 1.

SUBCHAPTER II

LICENSING

§ 9021. Licenses

1. Licenses required. Any person who engages in the business of manufacturing, selling, installing or servicing new manufactured housing shall first obtain a license issued by the board. The board shall, within a reasonable time, issue a license to any person who intends to manufacture, sell, install or service manufactured housing in this State subject to the filing and approval of an application provided by the board. Any person who is licensed to conduct such activities by other state or federal law is exempt from this requirement when such law provides for specific authority to provide a particular service or preempts the requirement for such a license.

2. Effective date. Licenses shall be required for all persons, as outlined in subsection 1 within 60 days after the effective date of the licensing regulation set forth in subchapter I, section 9005; such regulations to be filed with the Secretary of State no later than 180 days after the effective date of this chapter.

3. License fees.

A. The license fee for manufacturers of manufactured housing who deliver or sell manufactured housing in this State is not to exceed \$100.

B. Dealers who sell or lease manufactured housing shall pay a license fee not to exceed \$100.

C. Mechanics who service or install manufactured housing shall pay a license fee not to exceed \$100.

4. License term. The term for each license shall be for a period of one year from the day of issuance, and shall be renewed annually upon payment of a license fee.

§ 9022. Service and installations

1. Dealers. Dealers who are licensed according to this chapter may install or service, or may have their employees install or service any manufactured housing in compliance with this chapter and the dealer and his employees shall be exempt from any requirements for trade or mechanic licenses of any other type. The dealer is not exempt from any requirements for a permit which any state or political subdivision may require.

2. **Manufacturers.** A manufacturer may manufacture or sell to dealers when licensed as a manufacturer of manufactured housing and may repair defects and is exempt from any licensing requirements of other state or political subdivision.

3. **Mechanics.** Licensed mechanics may install or service manufactured housing and are exempt from any other licensing requirements of any state or political subdivisions, but must obtain any permits required.

SUBCHAPTER III

MODULAR HOUSING REGULATIONS

§ 9041. General

1. **Rules and regulations.** The board shall adopt such rules and regulations, in the manner provided by section 9005, as may be reasonably necessary to administer and enforce this subchapter.

2. **Licensing exemption.** Any manufacturer subject to the provisions of this subchapter shall not also be subject to the licensing fees of subchapter II as a manufacturer.

For purposes of this subchapter, manufactured housing shall include only modular housing.

§ 9042. Approval alternatives

1. **Inspection agency.** Any manufacturer seeking inspection and approval of manufactured housing subject to the requirements of this subchapter may contract with an inspection agency authorized by the board to perform the necessary services in order to obtain approval of such manufactured housing.

2. **Local option.** The provisions of this subchapter shall be waived by the board with respect to manufactured housing which is installed in a municipality which has adopted a building code and has a local building code enforcement agency if:

A. Such manufactured housing is found by the local enforcement agency to comply with the applicable local building code; and

B. The local enforcement agency so reports to the board in such form and detail as the board may reasonably require.

3. **Program of approval.** The board may provide a special program of approval to manufacturers who can demonstrate an unreasonable economic hardship resulting from the alternatives in subsections 1 and 2, except that in no case shall a program of unsupervised self-certification be authorized.

4. **Certification.** The manufacturer of such housing, regardless of the approval alternative used, shall certify that the manufactured housing conforms to all applicable standards whether adopted by the board or local enforcement agency, as the case may be, and that manufacturer's certification shall be permanently affixed to the manufactured housing in accordance with such requirements as the board may by regulation prescribe. Affixation of a certificate to manufactured housing shall signify the manufacturer's representation and warranty to all purchasers of such housing that such housing

was manufactured in accordance with all applicable standards of the board or the local enforcement agency, as the case may be, in effect on the date of manufacture.

§ 9043. Approval process

1. **Manufacture approval.** The manufacturer shall provide to an agency in accordance with section 9042 for review and approval, any required documents necessary to define the design, assembly and installation of the manufactured housing to be produced, including the quality assurance practices to be applied by the manufacturer.

2. **Manufactured housing approval.** Manufactured housing produced by a manufacturer approved in subsection 1 shall be inspected by an approval agency in accordance with section 9042, and certified by that agency as having been constructed in accordance with the standards adopted by the board or local enforcement agency, as the case may be, provided such approval agency makes such determination.

SUBCHAPTER IV

COMPLAINTS

§ 9051. General

1. **Violation.** The board shall cause to be investigated any complaint of an alleged violation by any licensee or of any regulations adopted by the board, either by its own inspector or any authorized inspection agency, to determine the validity of the complaint.

A. Within one year and 10 days after installation, any home buyer of new manufactured housing may file a complaint about any defective construction or installation defect.

B. Any person having knowledge of a violation of this chapter may file a complaint within one year of such violation.

2. **Form.** Complaints are to be made on a form prescribed by the board providing whatever information the board deems necessary.

§ 9052. Complaint investigation

Upon complaint by any person concerning an alleged violation of this chapter, the board shall investigate and determine, or shall cause to be investigated and determined, whether the unit complies with established regulations. The board shall notify the complainant of his right to relief under section 9011, subsection 4. If the board determines the defect occurred in other similar manufactured housing, the board shall notify all ascertainable purchasers of such housing, in accordance with the records obtained from the manufacturer and dealer of their possible right of action under this subchapter. Failure of the manufacturer or dealer to retain reasonable business records, or to provide access to those records in response to a request by the board pursuant to this subchapter, shall be considered a violation of this chapter.

§ 9053. Notification and correction of defects

1. **Manufacturer.** Every manufacturer of manufactured housing in this State and any manufacturer who offers manufactured housing for sale, lease, delivery, introduction or importation into this State shall furnish notification of any defect in manufactured housing produced by such manufacturer which such manufacturer determines, in good faith, relates to a standard of the board which is applicable to such housing or which constitutes a safety hazard is to an occupant of such housing. Such notification shall be accomplished in such manner and within such time as the board may by regulation prescribe, except that the regulations shall at least provide the following:

A. Notification by mail to the first purchaser of such manufactured housing, other than a dealer of such manufacturer, and to any subsequent purchaser the identity of which the manufacturer is aware;

B. Notification by mail or some expeditious means to the dealer or dealers of such manufacturer to whom such manufactured housing was delivered; and

C. Notification by mail to the board.

2. **Dealers.** Any person who sells, leases, delivers or transports manufactured housing which has been certified under this chapter shall notify the board and any present or prospective purchaser of such housing in writing of any defect resulting from damage or modification to such housing which such person determines, in good faith, relates to a standard of the board which is applicable to such housing or which constitutes a safety hazard to an occupant of such housing. This requirement shall not apply to sales or leases of manufactured housing after the first purchase of such housing by a person for purposes other than resale and shall not apply to deliveries or transportations of such manufactured housing which occur after the first installation of such housing on a permanent foundation.

3. **Corrections.** The person responsible for a noncompliance with the standards adopted by the board or for the creation of a safety hazard shall promptly effect such repairs and modifications as may be necessary to correct the nonconformance or eliminate the safety hazard. Any person who fails to make such repairs or modifications shall be subject to the provisions of section 9009.

Sec. 2. Administrative responsibility for enforcement of Industrialized Housing Law.

1. **Board responsibility.** Commencing with the effective date of this Act, the board shall be responsible for administration and enforcement of the Industrialized Housing Law, Title 30, chapter 239, subchapter II, Article 7, as heretofore enacted and modified.

2. **Law not applicable.** The Industrialized Housing Law shall not be applicable to any manufactured housing, not including mobile homes, which is manufactured on or after the effective date of this Act, nor shall the Industrialized Housing Law be applicable to any mobile home which bears a seal certifying compliance with standards adopted pursuant to the National Mobile Home Construction and Safety Standards Act of 1974. Responsibility for the administration and enforcement of the Industrialized Housing Law as

heretofore vested in the Maine State Housing Authority shall be terminated 60 days after the effective date of this Act or at such time as the board has been appointed and qualified, whichever is sooner, and no consumer complaint investigation or other enforcement activity with respect to industrialized housing certified pursuant to the Industrialized Housing Law shall be undertaken by the authority after that time.

3. **Private right.** Nothing in this section shall be construed to limit in any way the private right of action conferred on any person or party damaged as a result of a violation of the Industrialized Housing Law in connection with industrialized housing required to be certified pursuant to this law. All substantive rights and obligations created pursuant to the Industrialized Housing Law shall continue in effect with respect to industrialized housing, including mobile homes which were approved and certified pursuant to such law. Consumer complaint investigations arising under Title 30, section 4779 after the 2nd anniversary date of the installation of such industrialized housing or mobile home.

Sec. 3. Transfer of staff. The board may employ persons employed by the Maine State Housing Authority in its administration and enforcement of the Industrialized Housing Law, as heretofore enacted. The board, in its discretion, may pay such persons at rates of pay commensurate with the compensation such persons received from the authority, notwithstanding the limitations of any applicable personnel rule.

Sec. 4. Transitional regulations. Rules and regulations for the certification of industrialized housing as adopted by the Maine State Housing Authority pursuant to the Industrialized Housing Law shall be deemed to be rules and regulations of the Manufactured Housing Board and for purposes of administering and enforcing subchapter III of the Manufactured Housing Act, until and unless modified by the board pursuant to section 9005, provided that such regulations shall remain effective for a period of only 180 days after the effective date of this Act without formal adoption by the board pursuant to section 9005. Evaluation and inspection agencies, as well as manufacturers, approved under the Industrialized Housing Law as of the effective date of this Act, shall be regarded as having been approved under this Act, but shall be subject to all provisions of this Act.

Sec. 5. Appropriation. There is appropriated from the General Fund to the Department of Business Regulation, Manufactured Housing Board, for the fiscal years ending June 30, 1978 and June 30, 1979, the sum of \$72,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1977-78	1978-79
BUSINESS REGULATION, DEPARTMENT OF		
Manufactured Housing Board		
Personal Services	(2) \$23,500	(2) \$25,000
Unallocated	12,500	11,000
	\$36,000	\$36,000