

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 152

S. P. 63 — L. D. 90

AN ACT to Amend the Manufactured Housing Act.

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

Sec. 1. 10 MRSA § 9001, sub-§ 1, ¶ A, as enacted by PL 1977, c. 550, § 1, is amended to read:

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;

Sec. 2. 10 MRSA § 9002, sub-§ 2, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

2. Dealer. "Dealer" means any person engaged in the retail selling or offering for sale, brokering or distribution of manufactured homes, primarily to a person who, in good faith, purchases these homes for purposes other than resale.

Sec. 3. 10 MRSA § 9002, sub-§ 3, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

3. Federal Manufactured Housing Construction and Safety Standard. "Federal Manufactured Housing Construction and Safety Standard" means a reasonable standard for the construction, design and performance of a manufactured home which meets the needs of the public including the need for quality, durability and safety which has been duly adopted by the Federal Government pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq.

Sec. 4. 10 MRSA § 9002, sub-§ 7, as amended by PL 1979, c. 365, is repealed and the following enacted in its place:

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 any type of building 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. For purposes of this Act, 3 types of manufactured housing are included. They are:

A. Those units constructed after June 15, 1976, which the manufacturer

certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections, which, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq;

B. Those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein;

C. Those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, which are 8 body feet or more in width and are 32 body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

Sec. 5. 10 MRSA § 9002, sub-§ 9, as enacted by PL 1977, c. 550, § 1, is amended to read:

9. Mechanic. "Mechanic" means any person engaged in servicing or installing manufactured housing, as defined in section 9002, subsection 7, paragraphs A and C, for compensation and is not a regular employee of a manufacturer or a dealer.

Sec. 6. 10 MRSA § 9002, sub-§ 10, as enacted by PL 1977, c. 550, § 1, is repealed.

Sec. 7. 10 MRSA § 9002, sub-§ 11, as enacted by PL 1977, c. 550, § 1, is repealed.

Sec. 8. 10 MRSA § 9006, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

§ 9006. Installation standards

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

2. **Exemption.** 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.

Sec. 9. 10 MRSA § 9007, as amended by PL 1977, c. 694, §§ 194 and 195, is repealed.

Sec. 10. 10 MRSA § 9008, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

§ 9008. Prohibited practices

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

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

Sec. 11. 10 MRSA § 9013, as enacted by PL 1977, c. 550, § 1, is repealed.

Sec. 12. 10 MRSA § 9014, as enacted by PL 1977, c. 550, § 1, is repealed.

Sec. 13. 10 MRSA § 9021, as amended by PL 1979, c. 302, §§ 1 and 2, is repealed and the following enacted in its place:

§ 9021. Licenses

1. **Licenses required.** Any person who engages in the business of manufacturing, selling, installing or servicing 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 filing and approval of an application provided by the board. Any person who is licensed to conduct these activities by other state or federal law is exempt from this requirement when the law provides for specific authority to provide a particular service or preempts the requirement for such a license. Active licensees of the Real Estate Commission shall be exempt from the licensing requirement for selling or brokering used manufactured housing.

2. **License fees.** The board may establish and collect the following fees. All fees collected shall be paid to the Treasurer of State for deposit in the General Fund.

A. The license fee for manufacturers of manufactured housing who deliver or sell manufactured housing may not exceed \$100.

B. The license fee for dealers who are engaged in the retail selling, offering for sale, brokering, or distribution of any manufactured homes may not exceed \$100.

C. The license fee for mechanics who service or install manufactured housing, as defined in section 9002, subsection 7, paragraphs A and C, may not exceed \$100.

D. The additional license fee for dealers or mechanics who have more than one business location may not exceed \$10 per additional location.

3. License term. Licenses shall expire February 28th or at such other times as the Commissioner of Business Regulation may designate and shall be issued on a biennial basis upon payment of a license fee.

4. Renewals. The board shall notify each licensee of the expiration date of his license and indicate the amount of fee required for biennial renewal. Notice shall be mailed to each person's last known address at least 30 days in advance of the expiration date of the license. If any licensee fails to renew within 30 days after expiration, he shall be required to make a new application.

Sec. 14. 10 MRSA c. 951, sub-c. III, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

SUBCHAPTER III

STATE CERTIFIED MANUFACTURED HOUSING

§ 9041. General regulations

The board shall adopt such regulations and establish standards in the manner provided by section 9005 as may be reasonably necessary to administer and enforce this subchapter.

For purposes of this subchapter, manufactured housing shall include only housing defined in section 9002, subsection 7, paragraph B.

§ 9042. 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.

§ 9043. 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 the 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. The 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 that 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 the housing that the 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.

5. **Documentation.** The manufacturer shall provide to an agency in accordance with this section 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.

6. **Inspection and certification.** Manufactured housing produced by a manufacturer approved in subsection 5, shall be inspected by an approval agency in accordance with this section, 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 the approval agency makes that determination.

§ 9044. **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. The current edition of the Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings, ASTM-E 541, as adopted by the American Society of Testing and Materials shall be considered by the board in adopting these 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 the qualified agency with the standards adopted pursuant to subsection 1.

§ 9045. **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. **Fee for inspection.** A fee not exceeding \$15 per hour for inspection and approval of manufactured housing to be paid by the party requesting the 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.

§ 9046. **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 the 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.

§ 9047. Notification and correction of defects

1. **Manufacturer.** Every manufacturer or 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 the manufacturer which the manufacturer determines, in good faith, relates to a standard of the board which is applicable to the housing or which constitutes a safety hazard to an occupant of the housing. The 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 the manufactured housing, other than a dealer of the manufacturer, and to any subsequent purchaser the identity of whom the manufacturer is aware;
- B. Notification by mail or some expeditious means to the dealer or dealers of the manufacturer to whom the 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 purchase of the housing in writing of any defect resulting from damage or modification to the housing which the person determines, in good faith, relates to a standard of the board which is applicable to the housing or which constitutes a safety hazard to an occupant of the housing. This requirement shall not apply to sales or leases of manufactured housing after the first purchase of the housing by a person for purposes other than resale and shall not apply to deliveries or transportations of the manufactured housing which occur after the first installation of the 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 these repairs or modifications shall be subject to section 9009.

§ 9048. Reciprocity

1. **Standards.** If the board finds that the standards for the manufacture and inspection of manufactured housing prescribed by statute or regulation of another state, or other governmental agency, meet the objectives of this chapter and the regulations promulgated pursuant hereto, and are enforced satisfactorily by that other state, or other governmental agency, or by their agents, the board may accept manufactured housing which has been certified by that other state or governmental agency as being in compliance with this chapter. The standards of another state shall not be deemed to be satisfactorily enforced, unless that 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 may file a complaint with the Administrative Court to suspend or revoke the board's acceptance or certification, or both, of manufactured housing certified under the reciprocal provisions of this section, for the following causes:

A. If the board determines that the standards for the manufacture and inspection of the manufactured housing of another state or governmental agency do not meet the objectives of this chapter and the rules and regulations promulgated pursuant hereto;

B. The board determines that the standards for manufacture and inspection are not being enforced to the satisfaction of the board; or

C. The other state or governmental agency suspends or revokes its approval or certification.

3. **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.

4. **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.

5. **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.

Sec. 15. 10 MRSA c. 951, sub-c. IV, as enacted by PL 1977, c. 550, § 1, is repealed and the following enacted in its place:

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 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 that violation.

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

Sec. 16. 10 MRSA sub-c. V is enacted to read:

SUBCHAPTER V

STATE ADMINISTRATIVE AGENCY

§ 9061. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Board.** "Board" means the Manufactured Housing Board or its employees.

2. **Commissioner.** "Commissioner" means the Commissioner of Business Regulation.

3. **Dealer.** "Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

4. **Department.** "Department" means the Department of Business Regulation or its employees.

5. **Distributor.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

6. **Manufacturer.** "Manufacturer" means any person engaged in

manufacturing or assembling manufactured homes, including any person engaged in importing homes for resale.

7. **Manufactured housing.** "Manufactured housing" means for the purpose of this subchapter, a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, 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, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq.

8. **Secretary.** "Secretary" means the Secretary of the United States Department of Housing and Urban Development.

9. **State Administrative Agency.** "State Administrative Agency" means this department which has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to section 623 of the Housing and Community Development Act of 1974, PL 93-383, 42 United States Code Section 5422 and 24 Code of Federal Regulations, Part 3282, Subpart G.

§ 9062. Duties

The board shall delegate the responsibility for administering the state administrative agency program to the Commissioner of Business Regulation. The board is vested with the authority upon appropriate notice to discontinue participation in the federal enforcement program as a state administrative agency for this State.

§ 9063. Regulations

The commissioner is authorized to issue, amend and revoke such regulations as is deemed necessary to implement all procedures required of a state administrative agency pursuant to 24 Code of Federal Regulations, Paragraph 3282 and 42 United States Code 5401 et seq., including the implementation of a consumer complaint handling process and the holding of hearings. In the event of a conflict between the Manufactured Housing Act and the National Manufactured Housing Construction and Safety Standards Act of 1974, involving the state administrative agency program, the National Manufactured Housing Construction and Safety Standards Act of 1974 shall prevail.

§ 9064. Standards

1. Adoption, administration and enforcement of standards. The Department of Business Regulation is charged with the adoption, administration and enforcement of manufactured home construction and safety standards. The standards adopted shall be identical to the standards promulgated pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code Section 5401 et seq. The Department of Business Regulation shall discharge this duty consistent with rules and regulations promulgated by the United States Department of Housing and Urban Development.

2. Rules and regulations. The Department of Business Regulation may adopt such rules and regulations as are necessary to enforce the standards promulgated under subsection 1.

§ 9065. Inspections

The department, by its authorized representatives, may enter, at reasonable times, any factory, warehouse or establishment, in which manufactured homes are manufactured, stored or held for sale, for the purpose of ascertaining whether the requirements of the federal manufactured housing construction and safety standards and the regulations of this department have been and are being met.

§ 9066. Civil penalties

1. Violations. Any person who violates any of the following provisions relating to manufactured homes or regulations promulgated by the department shall be liable for a civil penalty not to exceed \$1,000 for each violation. Each violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed \$1,000,000 for any related series of violations occurring within one year from the date of the first violation. No person may:

A. Manufacture for sale, lease, sell, offer for sale or lease, or introduce or deliver, or import into the State any manufactured home which is manufactured on or after the effective date of any applicable federal manufactured housing construction and safety standard which does not comply with that standard;

B. Fail or refuse to permit access to or copying of records, or fail to make reports or provide information; or fail or refuse to permit entry or inspection as required by section 9065;

C. Fail to furnish notification of any defect as required by 42 United States Code Section 5414;

D. Fail to issue a certification required by 42 United States Code Section 5415 or issue a certification to the effect that a manufactured home conforms to all applicable federal manufactured housing construction and safety standards, if that person in the exercise of due care has reason to know that the certification is false or misleading in a material respect;

E. Fail to establish and maintain such records, make such reports and provide such information as the Department of Business Regulation may reasonably require, to enable it to determine whether there is compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974; or fail to permit, upon request of a person duly authorized by the commissioner, inspection of appropriate books, papers, records and documents relative to determining whether a manufacturer, distributor or dealer has acted or is acting in compliance with this Act or with the National Manufactured Housing Construction and Safety Standards Act of 1974; or

F. Issue a certification pursuant to 42 United States Code, Section 5403, Paragraph (a), if the person in the exercise of due care has reason to know that the certification is false or misleading in a material respect.

2. Sale or offer for sale after first purchase. Subsection 1, paragraph A shall not apply to the sale or the offer for sale of any manufactured home after the first purchase of it in good faith for purposes other than resale.

3. Persons who did not have reason to know that the home is not in conformity with standards. Subsection 1, paragraph A, shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the manufactured home is not in conformity with applicable federal manufactured housing construction and safety standards, or any person who, prior to the first purchase, holds a certificate by the manufacturer or importer of the manufactured home to the effect that the manufactured home conforms to all applicable federal manufactured housing construction and safety standards, unless the person knows that the manufactured home does not so conform.

§ 9067. Criminal penalties

Any person or officer, director or agent of a corporation, who willfully or knowingly violates any of the provisions enumerated in state law in any manner which threatens the health or safety of any purchaser, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

§ 9068. Monitoring inspection fees

The department shall establish a monitoring inspection fee in an amount established by the Secretary of the United States Department of Housing and Urban Development. This monitoring inspection fee shall be an amount paid by the manufacturer for each home produced in Maine.

The monitoring inspection fee shall be paid by the manufacturer to the Secretary of the United States Department of Housing and Urban Development, who shall distribute the fees collected from all home manufacturers among the approved and conditionally approved states, based on the number of new homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer or purchaser in that state.

§ 9069. Reports

Each manufacturer, distributor and dealer of manufactured housing constructed under the federal standards shall establish and maintain the records, make the reports and provide such information as the Secretary of the United States Department of Housing and Urban Development may reasonably require in order for the secretary to be able to determine whether the manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall, upon request of a person duly designated by the secretary, permit the person to inspect appropriate books, papers, records and documents relevant to determining whether the manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or the National Manufactured Housing Construction and Safety Standards Act of 1974.

§ 9070. Complaints

All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be handled in compliance with subpart I of the regulation established pursuant to the Act.

§ 9071. Revenue

The fees received by the commissioner under the State Administrative Agency Program shall be paid by the Treasurer of State to be used for carrying out the duties of the program. Any balance of these fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purpose in the following fiscal years.

§ 9072. Hearings

The Department of Business Regulation may file a complaint with the Administrative Court which is authorized to conduct hearings and presentations of views consistent with Title 5, chapter 375.

Effective September 18, 1981

CHAPTER 153

S. P. 102 — L. D. 215

AN ACT to Revise the Law Concerning Discharges into Certain Lakes.

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