

# MAINE STATE LEGISLATURE

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September 21, 1972

Kenneth M. Curtis, Governor

Executive

John W. Benoit, Jr., Deputy

Attorney General

This is a response to your inter-departmental memorandum dated September 8, 1972, requesting an opinion "whether the State Building Code for factory manufactured homes applies to mobile homes as well".

We answer the question in the negative. Our answer is predicated on the fact that the statute referred to in your memorandum is the "Industrialized Housing Law" appearing in 30 M.R.S.A. § 4771-§4783, inclusive. The provisions of the reference law do not apply to mobile homes if the term "mobile homes" refers to conventional house-trailers.

The purpose of the "Industrialized Housing Law" was to remove obstacles to the construction of housing from pre-fabricated materials created by the fact that building codes of communities in the State were not uniform and impeded the utilization of new and improved technology, techniques, methods and materials in the production of housing. 30 M.R.S.A. § 4772. Presently, municipalities do not regulate the building or construction of mobile homes; municipalities are only authorized by law to pass ordinances regulating sanitation and parking facilities for conventional house-trailers. 30 M.R.S.A. § 2151, sub-§ 4, 1 A.

It is noted that the statutory definition of "industrialized housing" does not make use of the term "mobile home".

"'Industrialized housing' means any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation on the building site."  
30 M.R.S.A. § 4773, sub-§ 3.

If the Legislature had intended the "Industrialized Housing Law" to apply to conventional house-trailers, it could have so provided.

"We are ascertaining here not what the Legislature may have meant by what it said, but rather are deciding what that which the Legislature said means."  
State v. Millett, 160 Me. 357, 360.

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For example, note that the provisions of 30 M.R.S.A. § 2551 and § 2554-A specifically provide that the electrical code applies to mobile homes.

Trusting that this memorandum sufficiently answers the inquiry, I remain,

Respectfully yours,

JOHN W. BENOIT, JR.  
Deputy Attorney General

JWBJr./ec