

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1605

H. P. 1232

House of Representatives, March 26, 1973

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Establish Construction Standards for Mobile Homes.

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

Sec. 1. R. S., T. 25, Part 7-A, additional. Title 25 of the Revised Statutes is amended by adding a new Part 7-A to read as follows:

PART 7-A

MOBILE HOMES

CHAPTER 333

CONSTRUCTION STANDARDS FOR MOBILE HOMES

§ 2751. Definitions

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

1. Mobile home. A "mobile home" is a moveable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy. The term includes:

A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity, and

B. Units composed of 2 or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

The term includes units designed to be used for residential, commercial, educational or industrial purposes, excluding recreational vehicles.

2. **Mobile home dealer.** A "mobile home dealer" is a person or an organization engaged in the business of purchasing and selling and brokering mobile homes.

A. **Exception.** This does not include a real estate broker who sells a mobile home as incidental to the conduct of his regular occupation of selling real estate.

3. **Mobile home park.** A "mobile home park" is a site at which 3 or more mobile homes are parked or intended to be parked for occupancy.

4. **Mobile home salesman.** A "mobile home salesman" is a person engaged in the business of selling mobile homes as an employee or agent of a mobile home dealer.

5. **Recreational vehicle.** A "recreational vehicle" is a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer and when factory-equipped for the road, having a body width not exceeding 8 feet and a body length not exceeding 32 feet.

§ 2752. Construction

The provisions of this chapter which apply to a person also apply to a partnership or corporation where the context does not require otherwise.

§ 2753. Mobile Home Standards Board

There is established a Mobile Home Standards Board, called the board, consisting of an executive secretary, who is the Commissioner of Public Safety, called the commissioner, or a representative appointed by him from the Department of Public Safety, subject to the approval of a majority of the board; and 6 other members, called the appointive members, appointed by the Governor with the advice and consent of the Council. One of the appointive members must be a resident of a mobile home; one must be a mobile home dealer; one must be a representative of a mobile home manufacturer; one must be a mobile home park operator; one must be a municipal building inspector; and one must be a disinterested member of the public at large.

1. **Term of office.** The term of office of an appointive member is 3 years, except that initially 2 members shall be appointed for 3 years; 2 for 2 years and 2 for one year.

2. **Vacancies.** Any vacancy in the board caused by death, resignation, removal or any other means shall be filled by the Governor and Council by the appointment of a person qualified as aforesaid, to hold office during the unexpired term. Any member of the board may be removed from office for cause by the Governor, with the advice and consent of the Council.

3. Compensation. The appointive members of the board are entitled to \$30 per day and their necessary traveling expenses for actual attendance at conferences and hearings.

4. Chairman. The appointive members of the board shall annually in the month of January, elect one of its members as chairman and another as vice-chairman. The chairman, or in his absence the vice-chairman, shall call and preside at all meetings.

5. Executive secretary. The executive secretary is a voting member of the board. He shall keep as a public record accurate records of the meetings and of all transactions of the board.

§ 2754. Employees

The commissioner, with the advice and consent of the board, may appoint and remove, subject to the Personnel Law, employees necessary to carry out this chapter. These employees shall be situated in the Department of Public Safety under the administrative direction of the commissioner.

§ 2755. Regulations

After notice and public hearing, the board shall adopt reasonable regulations establishing construction standards for all new mobile homes to be sold, transported or manufactured in this State; and safety standards for the installation and operation of mobile home parks, except for water supply and sewage disposal systems which are regulated by the Department of Health and Welfare. All mobile homes and mobile home parks which comply with the regulations adopted by the board shall be deemed to comply with the requirements of all laws, regulations and municipal ordinances concerning matters within the scope of this section.

1. Notice. Before adopting any regulations, the board shall publish a notice of hearing in the state paper for at least 5 consecutive days, the last publication being at least 10 days before the date of the hearing. The notice must state the time and place of hearing and must include a general statement as to the content of the regulations to be considered. The commissioner shall have copies of the proposed regulations available for distribution to interested persons.

2. Hearing. The chairman of the board shall preside at the hearing. All persons present shall be given an adequate opportunity to express their views concerning the proposed regulations. Following the hearing, the board may make any necessary amendments to the regulations, and may then adopt them.

§ 2756. Licenses

A person may not engage in the business of manufacturing mobile homes, operating a mobile home park, buying and selling mobile homes as a dealer or selling mobile homes as a salesman without first obtaining a license from the board. These licenses shall expire annually on June 30th.

1. Manufacturer's license. A person may obtain a mobile home manufacturer's license for an annual fee of \$100.

2. Park operator's license. A person, whose mobile home park meets the safety regulations established by the board, the water supply and sewage disposal regulations of the Department of Health and Welfare and any other pertinent state laws, may obtain a mobile home park operator's license for an annual fee of \$25.

3. Dealer's license. A person may obtain a mobile home dealer's license for an annual fee of \$25.

4. Salesman's license. A person may obtain a mobile home salesman's license for an annual fee of \$10. The application for a salesman's license must be countersigned by the dealer with whom he is affiliated and his license remains in effect only so long as he is affiliated with that dealer.

§ 2757. Inspection of mobile homes

Upon complaint to any member of the board concerning an alleged construction defect in any mobile home manufactured in or delivered to the State of Maine after the effective date of this Act, the executive secretary shall immediately send an inspector to investigate and determine whether it complies with the regulations established by the board.

1. Single defect. If it appears to the inspector that the nature of the defect is such that it is likely to have occurred in only the mobile home in question, he shall so advise the executive secretary. The executive secretary shall notify the manufacturer who shall have the defect remedied immediately.

2. Multiple defects. If it appears to the inspector that the nature of the defect is such that it is likely to have occurred in other mobile homes produced by the manufacturer, he shall so advise the executive secretary. The executive secretary shall notify the manufacturer and all of the mobile home dealers in the State of this defect. The dealers shall immediately notify the manufacturer and the executive secretary of the names and addresses of all persons known to have purchased the type of mobile home complained of, and the manufacturer shall have the defect remedied as soon as reasonably possible within the time established by the board. After notification, the manufacturer shall not manufacture, sell or deliver, and dealers and salesmen shall not sell or deliver any mobile home having this defect until after it has been remedied.

§ 2758. Unit fee

It is intended that the enforcement of this chapter shall be self-sustaining. In order to accomplish this purpose, in addition to the license fees established under section 2756, each manufacturer shall pay a unit fee of not more than \$10, as established by the board, to the commissioner before transporting each new mobile home. Upon payment of the unit fee, the commissioner shall issue a seal to the manufacturer which he shall have affixed to the mobile home at a place and in a manner designated by the board. The seal constitutes a warranty by the manufacturer that the mobile home to which it is affixed complies with all the construction standards adopted by the board.

1. Funds deposited. The funds received by the commissioner shall be deposited in the State Treasury.

2. Use of fees. All license fees and unit fees shall be used for the enforcement of this chapter. If any of the funds are not expended during the year in which they are collected, the unexpended balance shall not lapse, but shall be carried as a continuing account until expended for the purpose specified.

§ 2759. Complaints against licensees

The board shall investigate all complaints of the alleged violation by any licensee under section 2756 of any of the provisions of this chapter or any regulations adopted by the board, including but not limited to:

1. License. The practice of any fraud or deceit in obtaining a license;
2. Defective product. The manufacture, sale or delivery by a manufacturer of a new mobile home which does not comply with the construction standards adopted by the board; or the sale or delivery by a dealer or salesman of a new mobile home which does not comply with the construction standards adopted by the board;
3. Transportation or delivery without seal. The transportation or delivery of a new mobile home without the seal required by section 2758 affixed to it.

§ 2760. Suspension or revocation of license

After investigation, if the board believes the licensee has violated the law as described in section 2759, it shall file a complaint with the Administrative Hearing Commissioner. After notice and hearing, the Administrative Hearing Commissioner may suspend or revoke his license as provided in Title 5, chapters 301 to 307.

§ 2761. Penalties

The following penalties apply to this chapter.

1. Defective manufacture. A person who manufactures a mobile home which does not comply with the construction standards adopted by the board shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 11 months, or by both.
2. Manufacture without license. A person who engages in the business of manufacturing mobile homes without a license shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 6 months, or by both.
3. Sale of defective mobile home. A person who knowingly sells or delivers a new mobile home which does not comply with the construction standards adopted by the board shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 6 months, or by both.
4. Buying and selling without license. A person who engages in the business of buying and selling mobile homes as a dealer without a license shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 6 months, or by both.

5. **Selling without license.** A person who engages in the business of selling mobile homes as a salesman without a license shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 3 months, or by both.

6. **Transportation without seal.** A person who transports or delivers a new mobile home without the seal required by section 2758 affixed to it shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 months, or by both.

7. **Other.** A person who violates any other provision of this chapter for which a penalty has not been provided shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 months, or by both.

§ 2762. Refusal to issue seals

The commissioner shall refuse to issue the seals described in section 2758 to any mobile home manufacturer whose license has been suspended or revoked, or who has been convicted under section 2761, during the period of suspension or revocation and until the manufacturer submits proof satisfactory to the board that the conditions which caused the violation of the construction standards established by the board have been remedied.

Sec. 2. R. S., T. 30, § 2554-A, repealed. Section 2554-A of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 412 of the public laws of 1971, is repealed.

STATEMENT OF FACT

The purpose of this legislation is:

1. To insure that all new mobile homes sold or transported in the State of Maine will be constructed according to reasonable construction standards to promote the safety of the consumer and the general public whether the mobile home is being transported or parked for occupancy.
2. To insure that mobile home parks are established and operated in compliance with reasonable safety standards for the protection of the residents and the general public.