

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)

FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2283

H. P. 1803

House of Representatives, January 3, 1974

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mrs. Boudreau of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify the Industrialized Housing Act.

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

Sec. 1. R. S., T. 30, § 4773, sub-§§ 2 and 3, repealed and replaced. Subsections 2 and 3 of section 4773 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, are repealed and the following enacted in place thereof:

2. Housing component. "Housing component" means any substantial subsystem, subassembly or other system which is made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site, and which is of closed construction designed for use in or as a part of a structure designed primarily for residential occupancy which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety. Housing component also means any such subsystem, subassembly, or other system which is of open construction for which certification under this law is sought by the manufacturer and which is made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

3. Industrialized housing. "Industrialized housing" means any structure, designed primarily for residential occupancy, which is of closed construction and which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities, away from the building site, for installation, or assembly and installation on the building site. Industrialized housing also means any structure, designed primarily for residential occupancy,

of open construction for which certification under this Law is sought by the manufacturer and which is made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building sites.

Sec. 2. R. S., T. 30, § 4774, repealed and replaced. Section 4774 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971 and as amended by section 2 of chapter 446 of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 4774. Coverage

The authority shall implement inspection programs which will allow it to inspect and certify, with its own staff or approved agents, all industrialized housing, including mobile homes and housing components which are sold, manufactured, delivered or installed in the State of Maine. Any unit of industrialized housing, including mobile homes and housing components, which is approved and certified by the authority pursuant to this Article shall be deemed to comply with the requirements of all ordinances and regulations enacted by local governments which govern the matters within the scope of section 4775. Modifications of approved and certified industrialized housing, including mobile homes and housing components, may be made only in accordance with the rules and regulations of the authority.

After the authority shall have adopted rules and regulations in accordance with section 4775, the authority shall offer its approval and certification programs to all reasonably identifiable manufacturers who sell, manufacture, deliver or install industrialized housing, mobile homes or housing components in the State of Maine. At such time as the authority determines that its approval and certification programs have been effectively offered to all such manufacturers, the authority shall adopt a resolution stating that its approval and certification programs have reached maximum coverage and effectiveness. The authority may adopt a separate resolution for each of the 3 categories: Industrialized housing other than mobile homes and housing components; mobile homes; housing components. No person, firm or corporation shall sell, deliver or install any industrialized house, mobile home or housing component in the State of Maine which has not been approved and certified by the authority if such unit was manufactured more than 6 months after the effective date of the applicable resolution required by this section.

Sec. 3. R. S., T. 30, § 4775, amended. The last sentence of the 2nd paragraph of section 4775 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended to read as follows: The rules and regulations shall permit the use of new and improved technology, techniques, methods and materials, for both industrialized housing and housing components, consistent with reasonable requirements of the Building Officials Conference of America and the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", applying to industrialized housing and housing components.

Sec. 4. R. S., T. 30, § 4775, amended. The first sentence of the 3rd paragraph of section 4775 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended to read as follows:

The rules and regulations issued by the authority shall provide that industrialized housing and housing components will be approved by the authority only if the authority finds, after consideration of the design and specifications, and the results of such testing as may be prescribed or approved by the authority, that such industrialized housing or housing components meet reasonable requirements of health, safety and welfare and the authority approves the system for quality control established by the manufacturer, including installation methods; provided that the rules and regulations of the authority shall further provide that the industrialized housing or housing components that have been approved or certified by ~~HUD~~ the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", shall be deemed to be approved by the authority for the purposes of this Article, if the authority finds that such HUD approval or certification is granted on the basis of standards substantially equivalent to those stated in this paragraph.

Sec. 5. R. S., T. 30, § 4775, amended. The 4th paragraph of section 4775 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is repealed as follows:

~~The rules and regulations authorized by this section shall be issued by the authority within 6 months from the date of enactment.~~

Sec. 6. R. S., T. 30, § 4776, repealed and replaced. Section 4776 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is repealed and the following enacted in place thereof:

§ 4776. Reciprocity

If the authority finds that the standards for the manufacture and inspection of industrialized housing, housing components or mobile homes prescribed by statute or rules and regulations of another state, or other governmental agency, meet the objectives of this Article 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 authority may accept industrialized housing, housing components or mobile homes which have been certified by such other state or governmental agency, and assure that the appropriate label is attached thereto. The standards of another state shall not be deemed to be satisfactorily enforced unless such other state provides for notification to the authority of suspensions or revocations of approvals issued by that other state, in a manner satisfactory to the authority and so notifies the authority. The authority shall suspend or revoke, or cause to be suspended or revoked, its acceptance or certification or both of certified industrialized housing, housing components or mobile homes if it determines that the standards for the manufacture and inspection of such industrialized housing, housing components or mobile homes of another state or other governmental agency do not meet the objectives of this Article and the rules and regulations promulgated pursuant hereto, or that the standards are not being enforced to the satisfaction of the authority.

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.

In order to facilitate out-of-state sales of units manufactured in this State, the authority shall encourage other states' certifying or inspecting agencies or authorities to accept units certified by the authority without further inspection. The authority may enter into formal agreements with inspecting agencies or authorities of other states to carry out the purposes of this section.

Sec. 7. R. S., T. 30, § 4778, amended. Section 4778 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding at the end 2 new paragraphs to read as follows:

The authority may delegate certain evaluation duties to private evaluation agencies or otherwise authorize them to perform the evaluation and approval of building systems or quality assurance programs. The authority may delegate certain inspection duties to private inspection agencies or otherwise authorize them to perform all or part of the inspection and certification of industrialized housing, housing components or mobile homes including the issuance and attachment of seals of approval thereto. The authority or approved private evaluation or inspection agency may use persons employed by the inspected manufacturer or builder to perform appropriate functions in the inspection process including the actual affixing of seals provided that the authority shall in no case authorize a program of unsupervised self-inspection. The authority shall periodically review the work of any private evaluation agency or private inspection agency authorized to evaluate or inspect in the name of the authority and shall periodically make, or cause to be made, inspections of the entire process of manufacture and certification of industrialized housing, housing components or mobile homes produced under approved building systems and of industrialized housing, housing components or mobile homes already certified, in order to verify the reliability of each quality assurance program and of each approved inspection agency.

The authority shall reinspect, or cause to be reinspected, certified industrialized housing, housing components or mobile homes which it determines to have been sufficiently damaged after certification to warrant such inspection, and take such action with regard to such industrialized housing, housing components or mobile homes as is necessary, to eliminate dangerous conditions.

STATEMENT OF FACT

This Act clarifies definitions in the Industrialized Housing Law and also clarifies the appropriate relationships between the authority and similar agencies in other states and private evaluation or inspection agencies.