

MAINE STATE LEGISLATURE

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(Emergency)
New draft of: H. P. 1729, L. D. 2173
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2562

H. P. 2019

House of Representatives, March 7, 1974

Reported by Mr. Trask from the Committee on Business Legislation and
printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Minimum Warranty Standard for Mobile Homes.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are possible ambiguities and needs for clarification in the Minimum Warranty Standard for Mobile Homes Law which was enacted in the 1973 regular session of the 106th Legislature; and

Whereas, the following legislation is vitally necessary to avoid the uncertainty which might arise among mobile home purchasers as a result of such ambiguities; and

Whereas, a number of mobile home dealers intend to avoid the intent of the Minimum Standard Warranty Law by refusing to give mobile home purchasers a written warranty standard; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 10, § 1404, amended. The first paragraph of section 1404 of Title 10 of the Revised Statutes, as enacted by chapter 435 of the public laws of 1973, is amended to read as follows:

The mobile home warranty from the manufacturer or dealer to the buyer shall be set forth in ~~writing~~ a separate written document entitled "Mobile

Home Warranty," shall be delivered to the buyer by the dealer at the time the contract of sale is signed, and shall contain, but is not limited to, the following terms:

Sec. 2. R. S., T. 10, § 1404, sub-§§ 3 to 6, additional. Section 1404 of Title 10 of the Revised Statutes, as enacted by chapter 435 of the public laws of 1973, is amended by adding 4 new subsections 3, 4, 5 and 6, to read as follows:

3. That the manufacturer and dealer shall be jointly and severally liable to the consumer for the fulfillment of the terms of warranty, and the consumer may notify either one or both of the need for appropriate corrective action in instances of substantial defects in materials or workmanship;

4. That the address and the phone number of where to mail or deliver written notices of defects shall be set forth in the document;

5. That the one-year warranty period applies to the structures, plumbing, heating, electrical systems and all appliances and other equipment installed and included therein by the manufacturer or dealer;

6. That while the manufacturers of any or all appliances may also issue their own warranties, the primary responsibility for appropriate corrective action under the warranty rests with the dealer and manufacturer, and the consumer should report all complaints to the dealer and manufacturer initially.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of the bill is to clarify ambiguities in the minimum warranty standard for mobile homes enacted in the regular session of the 106th Legislature. The new draft makes it clear that manufacturers and dealers are jointly responsible on a mobile home warranty and established requirements for such warranties.