

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)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1861

H. P. 1544

House of Representatives, April 28, 1975

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

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Clarify and Make Uniform the Definition of Mobile Home.

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

Sec. 1. 10 MRSA § 1402, sub-§ 2, as enacted by PL 1973, c. 435, is repealed and the following enacted in place thereof:

2. **Mobile home.** "Mobile home" shall mean a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, 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, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Sec. 2. 17 MRSA § 754, first sentence, as last amended by PL 1973, c. 641, § 1, is further amended to read:

Whoever, with intent to commit a felony or any larceny, breaks and enters in the daytime or enters without breaking in the nighttime any dwelling house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, motor vehicle, aircraft, trailer or semitrailer as defined in Title 29, ~~house~~ camp trailer, **mobile home**, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not less than 6 months nor more than 10 years; but if no person was lawfully therein and put in fear, by imprisonment for not less than 6 months nor more than 5 years or by a fine of not more than \$500.

Sec. 3. 17 MRSA § 754-A, first sentence, as enacted by PL 1971, c. 539, § 8, is amended to read:

Whoever, if armed with a firearm, with intent to commit a felony or any larceny, breaks and enters in the daytime or enters without breaking in the

nighttime any dwelling house or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, motor vehicle, aircraft, ~~house camp~~ trailer, mobile home, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not less than 2 nor more than 25 years.

Sec. 4. 29 MRSA § 1, sub-§ 1-F, as enacted by PL 1967, c. 245, § 1, is repealed and the following enacted in place thereof:

1-F. Camp trailer. "Camp trailer" shall mean:

A. A trailer or semitrailer of less than 32 feet in length primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.

B. A manufactured or homemade tent trailer, so called, which consists of a platform, shelf or box, with means of permanently or temporarily attaching a tent, used to provide temporary living quarters for recreational, camping, travel or other use.

Sec. 5. 29 MRSA § 1, sub-§ 3-A, as enacted by PL 1967, c. 245, § 2, is repealed and the following enacted in place thereof:

3-A. Mobile home. "Mobile home" shall mean:

A. A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, 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, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

A mobile home remains a mobile home for purposes of this Title even though it may be used for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property.

Sec. 6. 29 MRSA § 109 is amended to read:

§ 109. —excise; personal property and real property

No motor vehicle ~~or house trailer~~, mobile home or camp trailer shall be registered under this Title until the excise tax or personal property tax or real estate tax has been paid in accordance with Title 36, sections 551, 602, 1482 and 1484.

Sec. 7. 29 MRSA § 244, 7th ¶ from the end, as enacted by PL 1967, c. 245, § 9, is amended to read:

Camp trailers, ~~registered in excess of~~ having a gross weight exceeding 2,000 lbs. ~~gross weight~~, shall be assessed a registration fee of \$5.

Sec. 8. 29 MRSA § 244, 6th ¶ from the end, as last amended by PL 1965, c. 18, § 2, is further amended to read:

~~House trailers~~ Mobile homes shall be registered and pay a fee of \$5 for such registration.

Sec. 9. 29 MRSA § 354, sub-§ 5, as enacted by PL 1973, c. 529, § 1, is amended to read:

5. **Certificate for mobile homes.** No ~~house trailer~~ mobile home, as defined in Title 36, section 1481, shall be moved over the highways of this State through use of dealer plates unless the operator of the vehicle hauling such ~~trailer~~ mobile home has in his possession a written certificate from the tax collector of the municipality from which the ~~trailer~~ mobile home is being moved, identifying the ~~trailer~~ mobile home and stating that all property taxes applicable to the ~~trailer~~ mobile home, including those for the current tax year, have been paid or that the ~~trailer~~ mobile home is exempt from such taxes. The tax year shall be the period from April 1st through March 31st.

Sec. 10. 29 MRSA § 787, sub-§ 1, 2nd sentence is amended to read:

Whenever required under this subchapter, such proof in such amounts shall be furnished for each motor vehicle, trailer or semitrailer registered by such person, except that any ~~utility~~ trailer, ~~semitrailer~~, ~~camp trailer~~ or ~~house trailer~~ mobile home, registered in the name of any person required to file proof of financial responsibility, which is automatically covered by a policy on any motor vehicle registered by such person, which also provides the coverage required for a motor vehicle liability policy, shall not be subject to this section.

Sec. 11. 29 MRSA § 958, 1st sentence, as last repealed and replaced by PL 1971, c. 344, is amended to read:

No person or persons shall occupy any camp trailer, ~~house trailer~~ mobile home, semitrailer or trailer while it is being moved upon a public highway.

Sec. 12. 29 MRSA § 1252, sub-§ 2, ¶ E is amended to read:

E. Speed of ~~house trailers~~ mobile homes, however drawn, in excess of 45 miles an hour in the daytime or nighttime shall be unlawful;

Sec. 13. 30 MRSA § 4773, sub-§ 8, is enacted by PL 1973, c. 446, § 1, is repealed and the following enacted in place thereof:

8. **Mobile home.** "Mobile home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, 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, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Sec. 14. 36 MRSA § 551, as last amended by PL 1971, c. 235, § 1, is further amended to read:

§ 551. **Real estate; defined**

Real estate, for the purposes of taxation, shall include all lands in the State and all buildings, mobile homes and other things affixed to the same, such as, but not limited to, camp trailers, together with the water power, shore privileges and rights, forests and mineral deposits appertaining thereto; interests and improvements in land, the fee of which is in the State; interests by contract or otherwise in real estate exempt from taxation; and lines of electric light and power companies. Buildings, mobile homes and other things affixed to the land, on leased land or on land not owned by the owner of the buildings, shall be considered real estate for purposes of taxation and shall be taxed in the place where said land is located. ~~House trailers~~ Mobile homes, except stock in trade, shall be considered real estate for purposes of taxation.

Sec. 15. 36 MRSA § 1481, sub-§ 1, as enacted by PL 1965, c. 18, § 3, is repealed and the following enacted in place thereof:

1. **Mobile home.** "Mobile home" means:

A. A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, 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, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

A mobile home remains a mobile home for purposes of this Title even though it may be used for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purposes except the transportation of property.

Sec. 16. 36 MRSA § 1481, sub-§ 1-A, as enacted by PL 1965, c. 18, § 4, is repealed and the following enacted in place thereof:

1-A. **Camp trailer.** "Camp trailer" shall mean:

A. A trailer or semitrailer of less than 32 feet in length primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.

B. A manufactured or homemade tent trailer, so called, which consists of a platform, shelf or box, with means of permanently or temporarily attaching a tent, used to provide temporary living quarters for recreational, camping, travel or other use.

Sec. 17. 36 MRSA § 1482, sub-§ 1, ¶ B is amended to read:

B. **Mobile homes.** For the privilege of operating a ~~house trailer~~ mobile home upon the public ways, each ~~house trailer~~ mobile home to be so operated shall be subject to such excise tax as follows: A sum equal to 25 mills on each dollar of the maker's list price for the first or current year of model, 20 mills for the 2nd year, 16 mills for the 3rd year and 12 mills for the 4th year and succeeding years. The minimum tax shall be \$15.

Sec. 18. 36 MRSA § 1484, sub-§ 2, as last amended by PL 1967, c. 465, § 3, is further amended to read:

2. **Mobile homes and camp trailers.**

A. If paid prior to April 1st, or if the ~~house~~ mobile home or camp trailer is acquired or is brought into this State after April 1st, the excise tax shall be paid in the place where the mobile home or camp trailer is located.

B. If paid on or after April 1st, the excise tax shall be paid in the place where the mobile home or camp trailer was located on April 1st.

C. The excise tax for ~~house~~ mobile homes and camp trailers owned by residents of the various Indian reservations shall be paid to the tribal clerks thereof.

STATEMENT OF FACT

The purpose of this bill is to clarify and make uniform the definition of mobile home.