

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 2021**

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H. P. 1988

House of Representatives, March 19, 1980

Reported by Mr. LaPlante from the Committee on Local and County Government pursuant to H. P. 1954 and printed under Joint Rules No. 17.

EDWIN H. PERT, Clerk of the House

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**RESOLVE, Authorizing and Directing the Department of Business Regulation to Study and Report on Current Practices Relating to Siting of Manufactured Housing.**

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

Whereas, safe and suitable housing is both a need and a right of individual Maine citizens and families; and

Whereas, manufactured housing, including modular housing and mobile homes, has and will increase the available supply of housing at affordable prices; and

Whereas, there has been some discrimination against manufactured housing, although it is not clear how widespread the discrimination is nor what the appropriate solution may be; and

Whereas, an adequate study of this situation will take 4 to 6 months and it must be started soon if the results are to be available at the start of the 110th Legislature; 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

**Manufactured housing; study. Resolved:** That the Department of Business Regulation, through the Manufactured Housing Board, and with the assistance of the State Planning Office, is directed to conduct a study and report to the Joint Standing Committee on Local and County Government by September 1, 1980, on current regulatory practices in the various localities within the State relating to manufactured housing, including modular homes, mobile homes on single lots and mobile home parks.

In conducting the study, the board is directed to seek the cooperation and assistance of the Maine Municipal Association, (MMA), the Manufactured Housing Association and Institute for the North East (M.H.A.I.N.E.) and other agencies or organizations with expertise on the subject.

The study shall be confined to fact-finding and data analysis. Conclusions and recommendations will be left to the review committee, established by this resolve. The purpose of the study is to gather, compile and analyze relevant information, especially in the following areas:

1. Current zoning ordinances, mobile home ordinances, building code requirements, subdivision regulations and other requirements in the various towns with respect to manufactured housing;
2. Current law in Maine, including constitutional requirements, Supreme Court cases and, to the extent they are readily available, Superior Court cases;
3. Statistical information, including recent trends and locations of new modular homes, mobile homes and mobile home parks; and
4. Alternative methods for achieving compliance with present judicial standards, including, but not limited to, educational programs, litigation, legislation and financial incentives; and be it further

**Review committee established. Resolved:** That a Review Committee on Manufactured Housing be established, with membership to be appointed as follows: The Senate and House chairmen of the Joint Standing Committee on Local and County Government, or their designees, and one other member of that committee to be appointed by them; a municipal representative, to be appointed by the President of the Senate and a representative of the manufactured housing industry, to be appointed by the Speaker of the House of Representatives. The agencies and organizations performing the study and the Office of Legislative Assistants shall serve as staff for the review committee.

The Review Committee on Manufactured Housing shall:

1. Approve the detailed work plan for the study;
2. Conduct general oversight of the study;
3. Conduct a public hearing on the study;

4. Examine the findings of the study in the light of testimony received at the hearing; and

5. Report, by January 1, 1981, their conclusions and recommendations to the Joint Standing Committee on Local and County Government. That report may include a model ordinance relating to modular and mobile homes and other recommendations which could lead to more equitable treatment of manufactured housing; and be it further

**Expenses. Resolved:** That the members of the review committee shall receive per diem and expenses on the same basis as any joint standing committee of the Legislature, in relation to each meeting attended; and be it further

**Allocation. Resolved:** That \$800 be allocated from the Legislative Account for the per diem and expenses of the review committee.

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

#### STATEMENT OF FACT

The Joint Standing Committee on Local and County Government has received testimony citing examples of the unreasonable exercise of municipal zoning powers in the form of exclusionary ordinances pertaining to manufactured housing. However, it is not clear how widespread or serious the problem may be. This resolve proposes a study to determine the extent of the problem. The committee received testimony on L. D. 1758, "AN ACT to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances," which proposed one solution to the problem. It is hoped that the study will identify several alternative solutions. No further action will be taken on L. D. 1758 pending the result of the study.

The study, to be completed by September 1st, will include fact-finding and data analysis, but will not draw conclusions or make recommendations. The Department of Business Regulation is the lead agency, but the State Planning Office will also have substantial participation. The State Planning Office will be duly compensated for their services, through contract with the Department of Business Regulation.

A Review Committee on Manufactured Housing, with legislative and public members, will review the final report of the study, draw conclusions and make recommendations to the Joint Standing Committee on Local and County Government at the start of the 110th Legislature.

The study will not require additional funds, but is to be funded within the budget of the Department of Business Regulation. The department will contract with the State Planning Office for services as necessary.

The activities of the Review Committee on Manufactured Housing will require expenditure of \$800 from the Legislative Account in order to cover the per diem and expenses of the members of the review committee.