

# 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 REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 998

H. P. 894

House of Representatives, February 26, 1981

Reported by Mr. LaPlante from the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Reported from the Joint Standing Committee on Local and County Government under Joint Rule 18, pursuant to the Resolves of 1979, c. 54. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 18.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Conform the Definition of Manufactured Housing with Federal Law.

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

Sec. 1. 10 MRSA c. 213, first 2 lines, as enacted by PL 1973, c. 435, are repealed and the following enacted in their place:

CHAPTER 213

MOBILE MANUFACTURED HOME WARRANTIES

Sec. 2. 10 MRSA § 1401, as amended by PL 1973, c. 788, § 42, is further amended to read:

§ 1401. Necessity of warranty

After October 3, 1973, all new mobile **manufactured** homes sold by a mobile home dealer situated in the State of Maine shall be covered by the warranty set forth in this chapter.

Sec. 3. 10 MRSA § 1402, as amended by PL 1975, c. 252, § 1, is repealed and the following enacted in its place:

### § 1402. Definitions

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

1. **Dealer.** “Dealer” includes any person, corporation, association or any other legal entity who customarily sells mobile manufactured homes to consumers.

2. **Mobile manufactured home.** “Mobile manufactured home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and is 40 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. 4. 10 MRSA § 1403, as enacted by PL 1973, c. 435, is amended to read:

### § 1403. Application

The warranty provided for in this chapter shall apply to the manufacturer of the mobile **manufactured** home, as well as to the dealer who sells the mobile **manufactured** home to the buyer.

Sec. 5. 10 MRSA § 1404, first sentence, as repealed and replaced by PL 1973, c. 754, § 1, is amended to read:

The manufacturer shall provide a written warranty with each new mobile **manufactured** home.

Sec. 6. 10 MRSA § 1404, sub-§ 1, as enacted by PL 1973, c. 435, is amended to read:

1. **Defects.** That the mobile **manufactured** home is free from any substantial defects in materials or workmanship;

Sec. 7. 10 MRSA § 1404, sub-§ 2, as enacted by PL 1973, c. 435, is amended to read:

2. **Corrective action.** That the manufacturer or dealer, or both, shall take appropriate corrective action at the site of the mobile **manufactured** home in instances of substantial defects in materials or workmanship, which become evident within one year from the date of the delivery of the mobile **manufactured** home to the consumer, provided the consumer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than one year and 10 days after date of delivery.

Sec. 8. 10 MRSA § 9001, sub-§ 1, ¶ A, as enacted by PL 1977, c. 550, § 1, is amended to read:

A. The production and utilization of manufactured housing, including mobile **manufactured** home and modular **manufactured** housing, and the use of new and

improving technologies, techniques, methods and materials has and will increase the available supply of housing at prices which residents of this State can afford;

**Sec. 9.** 10 MRSA § 9002, sub-§ 3, as enacted by PL 1977, c. 550, § 1, is amended to read:

**3. Federal Mobile Home Construction and Safety Standard.** “Federal Mobile Home Construction and Safety Standard” means the standard for construction, design and performance of a mobile **manufactured** home which has been duly adopted by the Federal Government pursuant to the National Mobile Home Construction and Safety Standards Act of 1974 ~~P.L. 93-383, Title VI, Public Law 93-383, Title VI~~, or any successive legislation.

**Sec. 10.** 10 MRSA § 9002, sub-§ 7, 2nd sentence, as amended by PL 1979, c. 365, is further amended to read:

The term includes mobile **manufactured** homes, modular **manufactured** homes and any other type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim.

**Sec. 11.** 10 MRSA § 9002, sub-§ 10, as enacted by PL 1977, c. 550, § 1, as amended to read:

**10. Mobile manufactured home.** “Mobile **manufactured** home” means a structure which is a type of manufactured housing and is transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ 40 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 or electrical systems contained therein.

**Sec. 12.** 10 MRSA § 9002, sub-§ 11, as enacted by PL 1977, c. 550, § 1, is amended to read:

**11. Modular manufactured home.** “Modular **manufactured** home” means a structure which is a type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

**Sec. 13.** 10 MRSA c. 951, sub-c. III, first 2 lines, as enacted by PL 1977, c. 550, § 1, are repealed and the following enacted in their place:

### SUBCHAPTER III

#### MODULAR MANUFACTURED HOUSING REGULATIONS

**Sec. 14.** 10 MRSA § 9041, last ¶, as enacted by PL 1977, c. 550, § 1, is repealed.

Sec. 14-A. 10 MRSA § 9041, sub-§ 3, is enacted to read:

3. **Modular manufactured housing.** For purposes of this subchapter, **manufactured housing shall include only modular manufactured housing.**

Sec. 15. 22 MRSA § 2491, sub-§ 9, as enacted by PL 1975, c. 496, § 3, is amended to read:

9. **Mobile manufactured home.** “**Mobile manufactured home**” ~~shall mean~~ **means** a structure, transportable in one or more sections which is 8 body feet or more in width and is ~~32~~ **40** 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. 16. 22 MRSA § 2491, sub-§ 10, as enacted by PL 1975, c. 496, § 3, is amended to read:

10. **Mobile manufactured home park.** “**Mobile manufactured home park**” means a parcel or adjoining parcels of land, under single ownership, which has been planned and improved for the placement of 2 or more mobile **manufactured** homes per parcel.

Sec. 17. 22 MRSA § 2492, first ¶, first sentence, as enacted by PL 1975, c. 496, § 3, is amended to read:

No person, corporation, firm or copartnership ~~shall~~ **may** conduct, control, manage or operate, for compensation, directly or indirectly, any eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile **manufactured** home park, unless the same shall be licensed by the department.

Sec. 18. 22 MRSA § 2494, first ¶, first sentence, as enacted by PL 1975, c. 496, § 3, is amended to read:

Each application for, or for renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile **manufactured** home park within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment, place, camp, area or park of the licensee, determined by the department and not to exceed \$30.

Sec. 19. 22 MRSA § 2495, first ¶, first sentence, as repealed and replaced by PL 1977, c. 459, is amended to read:

The department shall, within 30 days following receipt of application, issue a license to operate any eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile **manufactured** home park which is found to comply with this chapter and any rules and regulations adopted by the department, and has submitted documented proof of compliance with all

local ordinances relating to the operation of the facility for which the license application has been made.

**Sec. 20. 22 MRSA § 2498, first sentence**, as enacted by PL 1975, c. 496, § 3, is amended to read:

Any person, corporation, firm or copartnership who shall operate any eating establishment, eating and lodging place, **lodging place**, recreational camp, camping area or mobile **manufactured** home park without first obtaining a license as required by this chapter shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100, and upon 2nd or subsequent conviction, shall be punished by a fine of not less than \$100.

**Sec. 21. 29 MRSA § 1, sub-§ 3-A**, as repealed and replaced by PL 1975, c. 252, § 5, is amended to read:

**3-A. Mobile manufactured home.** “**Mobile manufactured home**” ~~shall mean~~ means:

**A.** A structure, transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ **40** 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 ~~eleerical~~ electrical systems contained therein. A mobile **manufactured** home remains a mobile **manufactured** 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. 22. 30 MRSA § 2151, sub-§ 4, ¶ A**, is amended to read:

**A.** Regulating the design, construction materials and construction of new buildings and additions to and alterations of existing buildings; regulating the alteration, demolition, maintenance, repair, use, change of use, safety features, light, ventilation and sanitation facilities of all buildings; regulating sanitation and parking facilities for trailers, **but not for mobile manufactured homes which are 8 body feet or more in width and 40 body feet or more in length**; regulating the installation, alteration, maintenance, repair and use of all equipment in or connected to all buildings; requiring permits and establishing reasonable permit fees for all of the operations mentioned in this paragraph;

**Sec. 23. 30 MRSA, c. 230, first 2 lines**, as enacted by PL 1973, c. 548, are repealed and the following enacted in their place:

#### CHAPTER 230

#### MOBILE MANUFACTURED HOME PARKS

**Sec. 24. 30 MRSA § 4061-A**, as enacted by PL 1975, c. 458, § 2, is amended to read:

### § 4061-A. Definitions

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

1. **Mobile manufactured home.** “Mobile manufactured home” ~~shall mean~~ means a structure, transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ 40 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.

2. **Mobile manufactured home park.** “Mobile manufactured home park” means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile manufactured homes. Nothing herein ~~shall~~ may be construed to apply to premises used solely for storage or display of mobile manufactured homes.

3. **Tenant.** “Tenant” means a mobile manufactured home owner who rents a parcel of land in a mobile manufactured home park.

Sec. 25. 30 MRSA § 4061-B, first sentence, as enacted by PL 1975, c. 458, § 3, is amended to read:

No mobile manufactured home park owner or operator ~~shall~~ may require a resident therein to purchase from ~~said~~ the owner or operator underskirting, equipment for tying down mobile manufactured homes or any other equipment required by law, local ordinance or regulation of the mobile manufactured home park.

Sec. 26. 30 MRSA § 4062, first sentence, as enacted by PL 1973, c. 548, is amended to read:

A mobile manufactured home park owner or operator shall be required to disclose fully in writing all fees, charges, assessments and rules and regulations prior to a mobile manufactured home dweller’s assuming occupancy in the park.

Sec. 27. 30 MRSA § 4063, as enacted by PL 1973, c. 548, is amended to read:

### § 4063. Refusal to pay undisclosed charges

Failure on the part of the mobile manufactured home park owner or operator to disclose fully all fees, charges or assessments shall prevent the park owner or operator from collecting ~~said~~ the fees, charges or assessments, and refusal by the dweller to pay any undisclosed charges shall not be used by the owner or operator as a cause for eviction in any court of law.

Sec. 28. 30 MRSA § 4064, as amended by PL 1975, c. 458, § 4, is further amended to read:

### § 4064. Restrictions on disposal of mobile manufactured homes

No mobile manufactured home park ~~shall~~ may exact a commission or fee with

respect to the price realized by the seller, unless the park owner or operator has acted as agent for the mobile **manufactured** home owner in the sale pursuant to a written contract. No mobile **manufactured** home park owner or operator ~~shall~~ **may** require as a condition of tenancy or continued tenancy that a mobile **manufactured** home owner designate the park owner or operator or any other individual or agent to act as agent for the mobile **manufactured** home owner in the sale of the home owner's mobile **manufactured** home. No mobile **manufactured** home park ~~shall~~ **may** restrict in any manner the reasonable advertising for sale of any mobile **manufactured** home in ~~said~~ **the** park.

Sec. 29. 30 MRSA § 4065, as enacted by PL 1973, c. 548, is amended to read:

**§ 4065. Restrictions on the purchase of fuel oil or bottled gas**

No mobile **manufactured** home park owner or operator ~~shall~~ **may** require, as a condition of tenancy or continued tenancy, that a mobile **manufactured** home owner or dweller purchase fuel oil or bottled gas from any particular fuel oil or bottled gas dealer or distributor. This section shall not apply to a mobile **manufactured** home park owner or operator who provides a centralized distribution system for fuel oil or bottled gas, or both, for residents therein. No mobile **manufactured** home park owner or operator who provides such a centralized distribution system ~~shall~~ **may** charge residents more than the average retail price charged by other retail distributors for fuel oil or bottled gas in the county in which the mobile **manufactured** home park is located.

Sec. 30. 30 MRSA § 4066, as enacted by PL 1973, c. 548, is amended to read:

**§ 4066. Space for purchaser of mobile manufactured home from owner of park**

A tenancy or other estate at will or lease in a mobile **manufactured** home park may not be terminated solely for the purpose of making the tenant's space in the park available for a person who purchased a mobile **manufactured** home from the owner of the mobile **manufactured** home park or his agents.

Sec. 31. 30 MRSA § 4066-B, sub-§ 1, ¶ B, as enacted by PL 1975, c. 458, § 5, is amended to read:

**B.** Failure of the tenant to comply with local ordinances or state or federal law or regulations relating to mobile **manufactured** homes or mobile **manufactured** home parks, provided that the tenant is first given written notice of his failure to comply with ~~said~~ **the** laws or regulations and a reasonable opportunity thereafter to comply with ~~said~~ **the** laws or regulations;

Sec. 32. 30 MRSA § 4066-B, sub-§ 1, ¶ D, as enacted by PL 1975, c. 458, § 5, is amended to read:

**D.** Repeated conduct of the tenant upon the mobile **manufactured** home park premises which disturbs the peace and quiet or safety of other tenants in the mobile **manufactured** home park;



**Sec. 33. 30 MRSA § 4066-B, sub-§ 1, ¶ E, first sentence**, as enacted by PL 1975, c. 458, § 5, is amended to read:

Failure of the tenant to comply with reasonable written rules and regulations of the mobile **manufactured** home park as established by the park owner or operator in the rental agreement at the inception of the tenancy or as amended subsequently, provided that the tenant is first given written notice of his failure to comply and a reasonable opportunity thereafter to comply with ~~said~~ the rules and regulations.

**Sec. 34. 30 MRSA § 4066-B, sub-§ 1, ¶ F**, as enacted by PL 1975, c. 458, § 5, is amended to read:

**F.** Condemnation or change of use of the mobile **manufactured** home park;

**Sec. 35. 30 MRSA § 4066-B, sub-§ 2, first sentence**, as enacted by PL 1975, c. 458, § 5, is amended to read:

Termination of any tenancy in a mobile **manufactured** home park shall not be effective unless made in the following manner: By the tenant giving at least 45 days' notice to the park owner or by the park owner entitled under subsection 1 to the mobile **manufactured** home space giving at least 45 days' notice in writing, delivered by certified or registered mail, to the tenant which shall state the reason or reasons for termination.

**Sec. 36. 30 MRSA § 4066-B, sub-§ 3**, as enacted by PL 1975, c. 458, § 5, is amended to read:

**3. Fees.** The owner of a mobile **manufactured** home park or his agents shall not charge any fees to tenants other than charges for rent, utilities, incidental service charges, entrance fees or security deposits, unless otherwise provided for in the original lease or agreement.

**Sec. 37. 30 MRSA § 4066-B, sub-§ 4, first sentence**, as enacted by PL 1975, c. 458, § 5, is amended to read:

A mobile **manufactured** home park owner may promulgate reasonable rules governing the conduct of his tenants, if it is reasonably related to preserving the order and peace of other tenants and the mobile **manufactured** home park.

**Sec. 38. 30 MRSA § 4066-B, sub-§ 6**, as enacted by PL 1975, c. 458, § 5, is amended to read:

**6. Enforcement.** In addition to any other remedy under this chapter, any mobile **manufactured** home park resident may sue to enforce any provision of this section and the court may award damages or grant injunctive or other appropriate relief.

**Sec. 39. 30 MRSA § 4066-B, sub-§ 8**, as enacted by PL 1975, c. 458, § 5, is amended to read:

**8. Eviction without cause.** Notwithstanding any other provision of this

section, a landlord may evict a tenant from the mobile **manufactured** home park without cause upon giving 120 days' written notice of termination.

**Sec. 40. 30 MRSA § 4773, sub-§ 3, 2nd sentence**, as repealed and replaced by PL 1973, c. 751, § 1, is amended to read:

All references to industrialized housing in this Article shall include mobile **manufactured** homes, except where otherwise indicated by a separate reference to mobile **manufactured** homes.

**Sec. 41. 30 MRSA § 4773, sub-§ 8**, as repealed and replaced by PL 1975, c. 252, § 13, is amended to read:

**8. Mobile manufactured home.** "Mobile **manufactured** home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ **40** 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. 42. 30 MRSA § 4774, 2nd ¶**, as repealed and replaced by PL 1973, c. 751, § 3, is amended to read:

No person, firm or corporation ~~shall~~ **may** sell, deliver or install any industrial housing, not including mobile **manufactured** homes, in the State of ~~Maine~~ which has not been approved and certified by the authority, or approved agent, of H.U.D., if such industrialized housing was manufactured after February 1, 1975. However, the manufacturer of industrialized housing, not including mobile **manufactured** homes, may sell, deliver or install industrialized housing without a State of Maine Seal of Approval in municipalities which have adopted a building code and have a local enforcement agency if such industrialized housing is found by the local enforcement agencies to comply with the requirements of the building code incorporated in the ordinances and regulations enacted by the local governments.

**Sec. 43. 30 MRSA § 4775, first ¶, last sentence**, as repealed and replaced by PL 1973, c. 751, § 4, is amended to read:

The rules and regulations shall permit the use of new and improved technology, techniques, methods and materials, consistent with reasonable requirements of either the Building Officials and Code Administrators International, Inc. or the United States Department of Housing and Urban Development, which apply to industrialized housing, not including mobile **manufactured** homes.

**Sec. 44. 30 MRSA § 4775, 3rd ¶, 2nd sentence**, as repealed and replaced by PL 1973, c. 751, § 4, is amended to read:

The authority shall adopt separate rules and regulations for mobile **manufactured** homes which shall recognize the unique qualities of mobile **manufactured** homes, and which shall permit the use of new and improved technology, techniques,

methods and materials, consistent with reasonable requirements of such nationally recognized codes as the Standard for Mobile Homes published by the American National Standards Institute or other similar codes.

**Sec. 45. 30 MRSA § 4775, 4th ¶, first sentence**, as repealed and replaced by PL 1973, c. 751, § 4, is amended to read:

Before adopting or amending the regulations governing industrialized housing or mobile **manufactured** homes, the authority shall publish notice of intent to adopt the regulations for at least 5 consecutive days in the state paper and shall thereafter have available for inspection at the office of the authority a copy of ~~said~~ the proposed regulations for a period of 30 days.

**Sec. 46. 30 MRSA § 4780, 2nd ¶, first sentence**, as repealed and replaced by PL 1973, c. 751, § 8, is amended to read:

The Board of Appeals to be appointed by the authority shall consist of 5 members as follows: One registered engineer; one member of the general public; one active local code enforcement officer; one representative of the industrialized housing industry; and one representative of the mobile **manufactured** home industry.

**Sec. 47. 36 MRSA § 1481, sub-§ 1**, as repealed and replaced by PL 1975, c. 252, § 15, is amended to read:

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

A. A structure, transportable in one or more sections, which is 8 body feet or more in width and is ~~22~~ 40 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 **manufactured** home remains a mobile **manufactured** 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. 48. 36 MRSA § 1482, sub-§ 1, ¶ B**, as amended by PL 1975, c. 252, § 17, is further amended to read:

**B. Mobile manufactured home.** For the privilege of operating a mobile **manufactured** home upon the public ways, each mobile **manufactured** 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. 49. 36 MRSA § 1484, sub-§ 2**, as last amended by PL 1979, c. 732, §§ 25 and 31, is further amended to read:

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

- A.** If paid prior to April 1st, or if the mobile **manufactured** 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 **manufactured** 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 **manufactured** home or camp trailer was located on April 1st.

**STATEMENT OF FACT**

The purpose of sections 1 to 21 and 23 to 49 is to apply modern terminology and definitions of manufactured housing, as evidenced in a 1980 amendment of federal law, to current statutes pertaining to mobile and modular housing. The federal law replaces the term "mobile home" with the term "manufactured housing" and changes the dimensional definition of manufactured housing from 8 feet by 32 or more feet to 8 feet by 40 or more feet. This bill introduces the term "manufactured" into state statutes without altering the reach or scope of the statutes, and changes the dimensional definitions manufactured housing.

Section 22 clarifies the purposes for which municipalities may enact police power ordinances. Authority to regulate sanitation and parking facilities of trailers does not include authority to similarly regulate mobile manufactured homes.