

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 894, L. D. 998
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1646

H. P. 1534

House of Representatives, May 21, 1981

Reported by the Minority from the Committee on Local and County Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Equalize the Treatment of all Manufactured Housing.

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Sec. 1. 10 MRSA c. 213, first 2 lines, as enacted by PL 1973, c. 435, are repealed and the following enacted in their place: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

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Sec. 3. 10 MRSA § 1402, as amended by PL 1975, c. 252, § 1, is repealed and the following enacted in its place: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

2. **Manufactured home.** "Manufactured home" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim.

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Sec. 5. 10 MRSA § 1404, first sentence, as repealed and replaced by PL 1973, c. 754, § 1, is amended to read: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. 22 MRSA § 2491, sub-§ 9, as enacted by PL 1975, c. 496, § 3, is repealed and the following enacted in its place:

9. **Manufactured home.** "Manufactured home" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any 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. 9. 22 MRSA § 2491, sub-§ 10, as enacted by PL 1975, c. 496, § 3, is amended to read:

10. 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. 10. 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. 11. 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. 12. 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. 13. 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. 14. 29 MRSA § 1, sub-§ 3-A, as repealed and replaced by PL 1975, c. 252, § 5, is repealed and the following enacted in its place:

3-A. Manufactured home. “Manufactured home” means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any 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.

A manufactured home remains a 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. 15. 29 MRSA § 109, as amended by PL 1975, c. 252, § 6, is further amended to read:

§ 109. Excise; personal property and real property

No motor vehicle, ~~mobile~~ manufactured 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. 16. 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~~ recreational vehicles; 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. 17. 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

MANUFACTURED HOME PARKS

Sec. 18. 30 MRSA § 4061-A, sub-§ 1, as enacted by PL 1975, c. 458, § 2, is repealed and the following enacted in its place:

1. Manufactured home. “Manufactured home” means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any 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. 19. 30 MRSA § 4061-A, sub-§§ 2 and 3, as enacted by PL 1975, c. 458, § 2, are amended to read:

2. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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. 25. 30 MRSA § 4066, as enacted by PL 1973, c. 548, is amended to read:

§ 4066. Space for purchaser of 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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. 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. 32. 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. 33. 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. 34. 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. 35. 36 MRSA § 551, as last amended by PL 1975, c. 252, § 14, 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 manufactured 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~~ **manufactured** 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~~ the land is located. ~~Mobile~~ **Manufactured** homes, except stock in trade, shall be considered real estate for purposes of taxation.

Sec. 36. 36 MRSA § 1481, sub-§ 1, as repealed and replaced by PL 1975, c. 252, § 15, is repealed and the following enacted in its place:

1. Manufactured home. "Manufactured home" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any 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.

A manufactured home remains a 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. 37. 36 MRSA § 1482, sub-§ 1, ¶ B, as amended by PL 1975, c. 252, § 17, is further amended to read:

B. 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. 38. 36 MRSA § 1484, sub-§ 2, as last amended by PL 1979, c. 732, §§ 25 and 31, is further amended to read:

2. 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 this new draft is to provide a definition of manufactured housing that encompasses both mobile and modular homes and then insert the definition in current state laws that regulate mobile homes. The intent is to equalize the treatment of all manufactured homes.

Sections 1 to 7 apply the mobile home warranties to manufactured homes.

Sections 8 to 13 apply the Department of Human Services regulation of mobile home parks to manufactured home parks.

Sections 14, 15 and 35 to 38 equalize the taxation treatment of manufactured homes.

Section 16 clarifies municipal authority to regulate parking and sanitation facilities for recreational vehicles.

Sections 17 to 34 apply the landlord-tenant laws currently in place for mobile home parks to manufactured home parks.