

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1990

S.P. 731

In Senate, January 7, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Business Legislation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.

Cosponsored by Senator TUTTLE of York.

STATE OF MAINE

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

1           AN ACT Concerning Sale or Removal of Homes from  
2           Mobile Home Parks and to Encourage  
3           Competition in the Mobile Home Park  
4           Industry.  
5

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

8           Sec. 1. 30 MRSA §4064, as repealed and replaced

1 by PL 1985, c. 324, is repealed and the following  
2 enacted in its place:

3 §4064. Restrictions on sale or removal of mobile homes

4 1. Park acting as agent; advertising. A mobile  
5 home park, park owner or operator may not:

6 A. Exact a commission or fee with respect to the  
7 price realized by the seller, unless the park  
8 owner or operator has acted as agent for the  
9 mobile home owner in the sale pursuant to a  
10 written contract;

11 B. Require as a condition of tenancy or continued  
12 tenancy that a mobile home owner designate the  
13 park owner or operator or any other individual or  
14 agent to act as agent for the mobile home owner in  
15 the sale of the home owner's mobile home; or

16 C. Restrict in any manner the reasonable  
17 advertising for sale of any mobile home in that  
18 park, except that the mobile home owner shall  
19 notify the park owner or operator prior to placing  
20 a "for sale" sign or other form of advertising  
21 within the mobile home park.

22 2. Rules. A mobile home park owner or operator  
23 may not require a mobile home owner to remove the  
24 mobile home from the park except pursuant to a rule  
25 contained in the written copy of the park rules given  
26 to the tenant under section 4066-B, subsection 5. The  
27 rules shall clearly describe the specific standards  
28 under which the park owner or operator may require a  
29 tenant to remove a mobile home from the park. These  
30 standards shall specify, but not be limited to, fair  
31 and reasonable regulations governing the conditions of:

32 A. Protective exterior coating or siding;

33 B. Roof;

34 C. Windows and doors;

- 1        D. Plumbing and electrical systems;
- 2        E. Anchoring system;
- 3        F. Skirting around the base;
- 4        G. Steps and handrails;
- 5        H. Porches, decks or other additions to the home,  
6        and exterior structures;
- 7        I. Landscape maintenance;
- 8        J. Parking area, if on lot; and
- 9        K. Width of home if less than 12 feet.

10       The age of the manufactured home may not be used as a  
11       standard. A park operator may require that a mobile  
12       home built prior to June 15, 1976, or not built to the  
13       standards established under the National Manufactured  
14       Housing Construction and Safety Standards Act of 1974,  
15       United States Code, Title 42, Chapter 70, be required  
16       to meet applicable state and local life safety or  
17       building codes if it is to remain in the park upon  
18       sale by the owner or if vacated by its occupant.

19                Sec. 2. 30 MRSA §4965-A is enacted to read:

20       §4965-A. Regulation of mobile home parks

21                Municipalities shall permit the establishment of  
22       mobile home parks in undeveloped areas which meet  
23       licensing standards of the Manufactured Housing Board,  
24       including the following.

25                1. Lot size. Park lots shall contain a minimum  
26       of 5,000 square feet, except that, if the provisions  
27       of the mandatory shoreland zoning laws or the  
28       subsurface disposal laws require a larger minimum lot  
29       size, the law requiring the largest minimum lot shall  
30       apply.

1 STATEMENT OF FACT

2 This bill contains several provisions concerning  
3 the sale or removal of mobile homes from parks. It  
4 prohibits park operators from requiring any home to be  
5 removed because of its age, while retaining their  
6 right to require that homes meet certain specified  
7 standards relative to safety and condition.

8 The bill also eliminates municipal zoning  
9 provisions requiring excessively large lot sizes which  
10 have the effect of banning mobile home parks. This  
11 will result in more opportunities for persons desiring  
12 to live in mobile home parks and will result in less  
13 of a "seller's market," thereby tending to reduce park  
14 rents through competition.

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