

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 60

S.P. 71

In Senate, February 2, 1989

Reported by Senator BALDACCI of Penobscot for the Commission on
Manufactured Housing pursuant to Private and Special Law 1987, chapter 139.

Reference to the Committee on Housing and Economic Development suggested and
ordered printed pursuant to Joint Rule 18.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

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

**An Act to Implement the Interim Recommendations of the Manufactured
Housing Commission.**



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

3 **Sec. 1. 10 MRSA §9003, sub-§1**, as amended by PL 1987, c. 395,
Pt. A, §35, is further amended to read:

5
7 **1. Established.** The Manufactured Housing Board,
established by Title 5, section 12004 ~~12004-A~~, subsection 1 22
9 and located in the Department of Professional and Financial
Regulation shall have the responsibility of administering and
11 enforcing this chapter. The board shall consist of 7 10 members
appointed by the Governor.

13 **Sec. 2. 10 MRSA §9003, sub-§2**, as amended by PL 1987, c. 395,
Pt. A, §36, is repealed and the following enacted in its place:

15 **2. Composition and terms of members.** The members of the
17 board shall include:

19 A. A representative who is a manufactured housing owner,
21 and whose home is not located in a mobile home park or
similar rental community;

23 B. Three representatives who are manufactured housing
25 owners, and the manufactured housing units in which the
27 owners live are located on lots within mobile home parks or
similar rental communities which the manufactured housing
owners do not own;

29 C. A representative who is a professional engineer with
31 demonstrated experience in construction and building
technology;

33 D. A representative who is a dealer;

35 E. A representative who is an owner or operator of a mobile
37 home park with 15 or fewer lots;

39 F. A representative who is an owner or operator of a mobile
home park with more than 15 lots;

41 G. A representative who is a builder of manufactured
43 housing; and

45 H. A representative with a minimum of 2 years of practical
47 experience in building code administration and enforcement
and is currently employed as a code enforcement officer.

49 The term of office of the members is 4 years. Members may be
51 appointed to successive terms. Members shall serve for their
appointed terms and until their successors are appointed and duly
qualified, except that any member of the board may be removed for

1 cause by the Governor. No board member may serve more than 2
2 consecutive terms.

3 **Sec. 3. 10 MRSA §9006-A** is enacted to read:

4 **§9006-A. Notice of installation**

5
6 **1. Notice of installation.** All dealers and mechanics shall
7 notify the Manufactured Housing Board every month of the
8 installations completed by that dealer or mechanic that month.
9 The notice must include the location of each unit of manufactured
10 housing, the owner of each unit at the time of installation and
11 the name and address of the dealer or mechanic who installed the
12 unit. The information must be submitted within 10 days after the
13 end of each month in the form and manner prescribed by the board
14 by rule.

15
16 **2. Fee.** At the same time the notice of installation is
17 given, the dealer or mechanic shall pay a fee of up to \$10 to the
18 board for each unit installed.

19
20 **3. Failure to file.** The board may require any dealer or
21 mechanic who fails to comply with this section to pay a fine of
22 not less than \$5 and not more than \$100 for each day the notice
23 is late.

24
25 **Sec. 4. 30 MRSA §4960-C, sub-§4, ¶C,** as enacted by PL 1987, c.
26 766, §4, is amended to read:

27
28 C. A comprehensive plan shall include an implementation
29 strategy section which contains a timetable for the
30 implementation program, including land use ordinances, that
31 ensures that the goals established under this subchapter are
32 met. These implementation strategies shall be consistent
33 with state laws and shall actively promote policies
34 developed during the planning process. The timetable shall
35 identify significant ordinances to be included in the
36 implementation program. Those ordinances shall be adopted
37 within one year of the plan. The strategies shall guide the
38 subsequent adoption of policies, programs and land use
39 ordinances. In developing its strategies and subsequent
40 policies, programs and land use ordinances, each
41 municipality shall employ the following guidelines
42 consistent with the goals of this subchapter:

43
44 (1) Identify and designate at least 2 basic types of
45 geographic areas: Growth areas and rural areas.

46
47 (a) Growth areas are those areas suitable for
48 orderly residential, commercial and industrial
49 development forecast over the next 10 years. Each
50 municipality shall:

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- (i) Establish standards for such developments;
- (ii) Establish timely permitting procedures;
- (iii) Ensure that needed public services are available within the growth area; and
- (iv) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion.

(b) Rural areas are those areas where protection should be provided for agricultural, forest, open space and scenic lands within the municipality. Each municipality shall adopt land use policies and ordinances to discourage incompatible development.

These policies and ordinances may include, without limitation, density limits; cluster or special zoning; acquisition of land or development rights; or performance standards;

(2) Develop a capital investment plan for financing the replacement and expansion of public facilities and services required to meet projected growth and development;

(3) Protect, maintain and, where warranted, improve the water quality of each water body pursuant to Title 38, chapter 3, subchapter I, article 4-A;

(4) Ensure that its land use policies and ordinances are consistent with applicable state law regarding critical natural resources. A municipality may adopt ordinances more stringent than applicable state law;

(5) Ensure the preservation of access to coastal waters necessary for commercial fishing, commercial mooring, docking and related parking facilities. Each coastal municipality shall discourage new development that is incompatible with uses related to the marine resources industry;

(6) Ensure the protection of agricultural and forest resources. Each municipality shall discourage new development that is incompatible with uses related to the agricultural and forest industry;

(7) Ensure that its land use policies and ordinances

1 encourage the siting and construction of affordable
 3 housing within the community and comply with the
 5 requirements of section 4965 pertaining to individual
 7 mobile home and mobile home park siting and design
 9 requirements. The municipality shall seek to achieve a
 11 level of 10% of new residential development, based on a
 13 5-year historical average of residential development in
 the municipality, meeting the definition of affordable
 housing. The municipality is encouraged to seek
 creative approaches to assist in the development of
 affordable housing, including, but not limited to,
 cluster zoning, reducing minimum lot and frontage sizes
 and increasing densities;

15 (8) Ensure that the value of historic and
 17 archeological resources is recognized and that
 protection is afforded to those resources that merit
 it; and

19 (9) Encourage the availability of and access to
 21 traditional outdoor recreation opportunities,
 23 including, without limitation, hunting, boating,
 25 fishing and hiking. Each municipality shall identify
 and encourage the protection of undeveloped shoreland
 and other areas identified in the local planning
 process as meriting such protection.

27 **Sec. 5. Transition.** Members of the Manufactured Housing Board
 29 serving on the effective date of this Act shall continue to serve
 as members until the terms for which they were appointed expire.

31 **Sec. 6. Allocation.** The following funds are allocated from
 33 Other Special Revenue funds to carry out the purposes of this Act.

	1989-90	1990-91
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Manufactured Housing Board		
Positions	(1.5)	(1.5)
Personal Services	\$26,836	\$37,969
All Other	5,250	7,000
Capital Expenditures	9,000	
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	<u>\$41,086</u>	<u>\$44,969</u>

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FISCAL NOTE

This bill increases dedicated revenue to the Manufactured Housing Board according to the following schedule.

	1989-90	1990-91
Other Special Revenue	\$22,500	\$30,000

STATEMENT OF FACT

This bill includes 3 of the interim recommendations of the Manufactured Housing Commission, created by Private and Special Law 1987, chapter 139.

Sections 1 and 2 of the bill affect the composition of the Manufactured Housing Board. The board is currently authorized to consist of 7 members, one of whom is a manufactured housing owner and 4 of whom represent the manufactured housing industry including one dealer, one builder or manufacturer and 2 mobile home park operators. The other 2 members are a code enforcement officer and a professional engineer. This section amends the membership of the Manufactured Housing Board to equally represent both the industry and consumers. Three additional manufactured housing owners are added. This section also specifies that 3 of the manufactured housing owners must live in mobile home parks or similar rental communities, while the fourth manufactured housing owner cannot live in a park while on the board. Section 5 provides that current members will serve until the expiration of their terms.

Section 3 of the bill requires any person who is licensed to install manufactured housing to notify the Manufactured Housing Board monthly when that person installs manufactured housing, whether on a private lot or in a mobile home park. The notice must be given for new as well as used homes. This will provide the board with information necessary to respond to consumer complaints. It will also provide data concerning the numbers of mobile homes in the State which are not currently available. A nominal fee of not more than \$10 per installation must be paid to the board to provide for administration and additional staff to respond to complaints.

Section 4 amends the land use planning statutes added by Public Law 1987, chapter 766. The purpose of the amendments is to make certain that municipalities are aware of their

1 responsibilities to make available suitable areas for development
2 and expansion of mobile home parks. Incorporating a reference to
3 that existing requirement in the comprehensive planning laws will
4 ensure that municipalities include their methods of compliance
5 with the requirements in their implementation strategies as part
6 of their comprehensive plans. It will also enable the Office of
7 Comprehensive Land Use Planning to better assist municipalities
8 in fulfilling their planning responsibilities.

9
10 Section 6 of the bill allocates the revenue from the
11 installation notice fee to provide for one full-time compliance
12 officer and one part-time clerical staff person. The board
13 currently operates with only the Executive Director and the Board
Clerk.