

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 62

H.P. 48

House of Representatives, February 2, 1989

Reported by Representative PRIEST for the Commission on Manufactured Housing pursuant to Private and Special Law 1987, chapter 139.

Reference to the Joint Standing Committee on Housing and Economic Development suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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**Resolve, to Require the Manufactured Housing Board to Develop a  
Manufactured Housing Installation Standard.**

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(EMERGENCY)



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

5           **Whereas,** the Manufactured Housing Board has not adopted a  
standard for the installation of mobile homes on lots; and

7           **Whereas,** some mobile homes have been damaged by improper  
9 installation, although there is no information about how many  
mobile homes have been improperly installed; and

11           **Whereas,** the Manufactured Housing Board does not have  
13 sufficient information to implement a statewide standard at this  
time; and

15           **Whereas,** in the judgment of the Legislature, these facts  
17 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
19 necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

21           **Standard appropriate for Maine. Resolved:** That the  
23 Manufactured Housing Board shall contract with a professional  
engineer to develop an installation standard for mobile homes  
25 that is appropriate for the physical conditions present in  
Maine. The standard may be an adaptation of existing or proposed  
27 national standards. The standard must be specific enough to  
eliminate ambiguity in what is required, yet flexible enough to  
29 cover varying site requirements and to help keep manufactured  
housing an affordable housing option in Maine. The board shall  
31 also consider the need to be able to move a mobile home from one  
site to another, the issue of exempting current installations  
33 from the application of the standard and the interaction of the  
standard with other state requirements. For the purposes of this  
35 resolve, "installation" has the same meaning as provided in the  
Maine Revised Statutes, Title 10, section 9002, subsection 6,  
37 which is the process of affixing or assembling or setting up  
manufactured housing on foundations or supports at a building  
39 site and includes the connection to existing electrical, oil  
burner, gas, water, sewage and similar systems which are  
41 necessary for the use of the house for dwelling or commercial  
purposes; and be it further

43           **Preemption. Resolved:** That the Manufactured Housing Board  
45 shall review the issue of state preemption as it relates to a  
state installation standard, specifically examining the  
47 desirability and feasibility of a state installation standard  
that preempts municipal standards either in all cases or only  
49 when the municipal standard is less strict or creates a conflict;  
and be it further

51

1           **Report. Resolved:** That the Manufactured Housing Board shall  
2 report to the Commission on Manufactured Housing by July 30, 1989  
3 concerning the installation standard and the board's  
4 recommendations regarding the issue of preemption; and be it  
5 further

7           **Adopt standard. Resolved:** That the Manufactured Housing  
8 Board shall adopt an installation standard after reviewing the  
9 other considerations and the standard recommended by the  
10 professional engineer in this resolve; and be it further

11           **Survey; report. Resolved:** That the Manufactured Housing Board  
12 shall conduct a statistically valid survey of manufactured  
13 housing installations completed after the adoption of the  
14 installation standard to determine if an installation inspection  
15 system is necessary to ensure compliance with the standard. The  
16 Manufactured Housing Board shall report the results of the survey  
17 to the 114th Legislature no later than December 1, 1990; and be  
18 it further

21           **Allocation. Resolved:** That the following funds shall be  
22 allocated from Other Special Revenue to carry out the purposes of  
23 this resolve.

25           **1988-89**

27           **PROFESSIONAL AND FINANCIAL  
28 REGULATION, DEPARTMENT OF**

29           **Manufactured Housing Board**

31           All Other \$20,000

33           Provides funds for consulting fees and other  
34 related costs to develop an installation  
35 standard.

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

41

43           **STATEMENT OF FACT**

45           This resolve is an interim recommendation of the Commission  
46 on Manufactured Housing, created by Private and Special Law 1987,  
47 chapter 139. This resolve requires the Manufactured Housing  
48 Board to hire an engineer on a temporary basis to develop a  
49 standard for the installation of manufactured housing in Maine.  
50 The current American National Standards Institute standard for  
51 mobile home installations is very ambiguous in some areas and  
requires a few practices which may not be appropriate

1 for the climate and geology of Maine. The engineer will develop  
2 a standard for installations in Maine which addresses these  
3 concerns. The engineer can start with the American National  
4 Standard Institute standard and make the necessary modifications,  
5 use any other standard as a starting point or start from  
6 scratch. The board will consider the need to protect the  
7 transferability of mobile homes from one park to another. Also  
8 to be considered are the effects of other state requirements,  
9 such as Maine State Housing Authority financing standards, as  
10 well as the appropriateness of exempting existing installations.

11  
12 The board will review the issue of whether the state  
13 installation standard should preempt municipal installation  
14 standards in all cases. This may be easier, for the installers  
15 would need to know only one standard no matter where they  
16 worked. On the other hand, as long as the minimum requirements  
17 are met, municipalities may want to require additional  
18 instructions to address local concerns. The board must examine  
19 this issue, then report its recommendations to the Commission on  
20 Manufactured Housing by July 30, 1989.

21  
22 The board will also explain its recommended installation  
23 standard by July 30, 1989.

24  
25 The board shall adopt the standard as a rule through the  
26 rule-making procedures under the Maine Administrative Procedure  
27 Act, the Maine Revised Statutes, Title 5, chapter 375.

28  
29 After the rule has been adopted, the board will conducted a  
30 survey of compliance with the rule. The survey must be developed  
31 and conducted to produce statistically valid results. The board  
32 shall provide the results of the survey to the 114th Legislature  
33 no late than December 1, 1990. The results of the survey will be  
34 used to determine if a statewide inspection system of  
35 installations is necessary.

36  
37 The costs of the engineer's contract and the survey shall be  
38 paid from the current resources of the Manufactured Housing  
39 Board. The board's balance at the end of fiscal year 1989 is  
projected to be over \$77,851.