MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2077

H.P. 1500

House of Representatives, January 4, 1990

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 Legal Affairs suggested and printing ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers.



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Sec. 1. 10 MRSA §1403, as enacted by PL 1973, c. 435, is repealed and the following enacted in its place:

\$1403. Application

The warranty provided for by this chapter applies to:

1. Manufacturer. A manufacturer of mobile homes;

2. Dealer. A mobile home dealer, including an out-of-state dealer, who sells a mobile home to a buyer located in this State if it was reasonably foreseeable that the mobile home would be transported to and installed in this State; and

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- 3. Carrier: installer. A person who, in the ordinary course of business, transports a mobile home from outside this State into this State, installs a mobile home transported into this State, or both.
- Sec. 2. Licensing out-of-state dealers. The Manufactured Housing Board shall study the feasibility of requiring any out-of-state dealer to obtain a license issued by the board prior to selling a mobile home to be transported into and installed in this State and imposing sanctions on a dealer who sells a mobile home without a license or fails to comply with the warranty provisions of the Maine Revised Statutes, Title 10, chapter 213. The board shall report its findings to the Joint Standing Committee on Legal Affairs no later than January 1, 1991.

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STATEMENT OF FACT

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This bill is a unanimous final recommendation of the Commission on Manufactured Housing, established by Private and Special Law 1987, chapter 139.

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The purpose of this bill is to expand the class of persons subject to the mobile home warranty provisions of the Maine Revised Statutes, Title 10, section 1403. The bill provides that out-of-state dealers who sell mobile homes foreseeably bound for installation at sites in Maine, as well as those who transport or such homes, are subject to warranty provisions. Currently, the warranty applies to the mobile home manufacturer and is ambiguous as to whether or not it includes out-of-state as well as in-state dealers. This expansion of the warranty law's application is meant to be consistent with relevant federal and state court decisions defining the limits of state jurisdiction.

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The bill also requires the Manufactured Housing Board to study the possibility of licensing out-of-state mobile home

dealers and to report its findings and recommendations to the Joint Standing Committee on Legal Affairs no later than January 1, 1991.