

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2191

H.P. 1582

House of Representatives, January 16, 1990

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Legal Affairs suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative GWADOSKY of Fairfield.
Cosponsored by Senator BRANNIGAN of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Facilitate the Disclosure of the Mobile Home Statutory
Warranty.



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

2
4 Sec. 1. 10 MRSA §1404, first ¶, as repealed and replaced by PL 1973, c. 754, §1, is amended to read:

6 ~~The manufacturer shall provide a written warranty with each~~
8 ~~new mobile home. The dealer shall countersign the warranty and~~
10 ~~certify that. To the best of his knowledge, A statutory warranty~~
12 ~~is hereby established under which both the manufacturer and the~~
14 ~~dealer certify that to the best of their knowledge, the new~~
16 ~~mobile home is free from any substantial defects in materials and~~
18 ~~workmanship. The dealer shall deliver the written warranty to the~~
20 ~~buyer at the time of sale and the warranty shall contain the~~
22 ~~following terms:~~

24 Sec. 2. 10 MRSA §1404, sub-§5, as enacted by PL 1973, c. 754,
26 §2, is amended to read:

28 5. Responsibility. That while the manufacturers of any or
30 all appliances may also issue their own warranties, the primary
32 responsibility for appropriate corrective action under the
34 warranty rests with the dealer and manufacturer, and the consumer
36 should report all complaints to the dealer and manufacturer
38 initially; and

40 Sec. 3. 10 MRSA §1404, sub-§6 is enacted to read:

42 6. Warranty supplemental. That this statutory warranty is
44 in addition to any express warranty provided by the manufacturer
46 or dealer and any warranty created by state or federal law,
48 including the implied warranties of merchantability and fitness
50 for a specific purpose. The Manufactured Housing Board, in
52 consultation with the Department of the Attorney General, shall
 prepare a written warranty form that meets the requirements of
 this section and shall ensure that this warranty form is
 distributed to all dealers and manufacturers doing business in
 this State.

STATEMENT OF FACT

42 The purpose of this bill is to facilitate the disclosure of
44 the state mobile home statutory warranty. This warranty was
46 established in 1973 and requires both the dealer and manufacturer
48 to guarantee for one year that a new mobile home is free from
50 substantial defects.

52 Under current state law, the manufacturer is responsible for
 supplying copies of this warranty to its state dealers and the
 dealers then must pass it on to mobile home purchasers. Despite
 this statutory obligation, many manufacturers have failed to
 distribute adequately this state warranty. Under this bill, the

2 Manufactured Housing Board provides dealers and manufacturers a
form warranty that meets the current requirements of this
warranty law. Dealers would then ensure that their customers
4 receive a copy of this State mandated guarantee.