

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 922, L.D. 1319, Bill, "An Act Concerning Mobile Home Parks"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 10 MRSA §§9097-A and 9097-B are enacted to read:

§9097-A. Dispute settlement

1. Board duties. The Manufactured Housing Board shall provide mediators to conduct mediation in accordance with this section and section 9097-B. The board shall compile a list of available mediators from which the parties may select a mutually acceptable mediator. If the parties can not agree, the Manufactured Housing Board shall make the selection.

2. Mediation not binding; disclosure of financial records. Any mediation is not binding unless the parties agree otherwise in writing. Unless the parties agree otherwise, mediation required under section 9097-B may not exceed 3 hours. Nothing in this section or section 9097-B requires a mobile home park owner to disclose financial records of the mobile home park to mobile home park tenants.

3. Final action. A resolution arising from mediation as provided pursuant to this section is not considered final agency action.

4. Cost paid by parties. Parties to mediation shall share the cost of mediation equally.

5. Repeal. This section is repealed on January 1, 1993.

2 §9097-B. Lot rental increases; reduction in services or  
4 utilities; change in rules; evictions; mediation

6 1. Notice of changes. A mobile home park owner shall give  
8 written notice to tenants at least 30 days prior to any change in  
10 lot rental amount or reduction in services or utilities provided  
12 by the mobile home park owner or any change in mobile home park  
14 rules, including fees, assessments and charges to each tenant and  
16 the officers of any homeowners' association that has been  
formed. Rules adopted as a result of restrictions imposed by  
governmental entities and required to protect the public health,  
safety and welfare may be enforced before the expiration of the  
30-day period but are not otherwise exempt from the requirements  
of this chapter.

18 2. Meeting with tenants and mobile home park owner upon  
20 request. Within 15 days of receipt of the notice required by  
22 subsection 1, a group of persons may request in writing a  
24 meeting with the mobile home park owner or the mobile home park  
26 owner's representative to discuss reasons for any change. This  
28 group of persons must represent the majority of units and must  
include at least one adult from each unit in the majority. The  
request must specify the topics to be discussed at the meeting  
and must make specific reference to the notice received from the  
park owner pursuant to subsection 1. The mobile home park owner  
or the mobile home park owner's representative shall meet with  
the tenants prior to the expiration of the 30-day notice period  
to discuss the items identified in the request for the meeting.

30 3. Request for mediation of change. Within 15 days after  
32 the date of the meeting requested pursuant to subsection 2, a  
34 group of persons may notify the mobile home park owner in writing  
36 that the change is unreasonable and request that the mobile home  
38 park owner participate in mediation through any available  
40 voluntary mediation service offered by an organization or entity  
42 other than the Manufactured Housing Board pursuant to section  
9097-A. This group of persons must represent the majority of  
units and must include at least one adult from each unit in the  
majority. If the owner refuses to participate in the mediation  
or the mediation is not successful, the tenants may request that  
the dispute be submitted to mediation pursuant to section 9097-A.

2 4. Relation to court action. An action relating to a  
3 change governed by this section may not be filed in any court  
4 until mediation required by this section has been held.

5 5. Failure to participate; change suspended. If a mobile  
6 home park owner fails to participate in a meeting requested under  
7 subsection 2 or to mediate in good faith in any mediation  
8 requested under subsection 3, the mobile home park owner may not  
9 implement any change proposed in the notice of changes.

10 6. Repeal. This section is repealed on January 1, 1993.'

12  
14 **STATEMENT OF FACT**

16 The amendment removes reference to arbitration and removes  
17 the requirement that the Manufactured Housing Board pay mediation  
18 costs for persons who are unable to pay.

20 The amendment also requires that a group of persons  
21 representing the majority of units and including at least one  
22 adult from each unit in the majority request a meeting with the  
23 park owner before the owner is required to meet and mediate.

24 The amendment requires that homeowners and park owners  
25 participate in a voluntary mediation program offered by an  
26 organization other than the Manufactured Housing Board, before  
27 going to that board. Currently, the Manufactured Housing  
28 Association offers such a service.

30 Finally, the amendment deletes the section making the  
31 requirement applicable only to parks with 50 or more lots.  
32

Reported by the Minority of the Committee on Legal Affairs  
Reproduced and distributed under the direction of the Clerk of the  
House

(6/3/91)

(Filing No. H-525)