

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1521

H.P. 1048

House of Representatives, April 12, 1991

Submitted by the Department of Professional and Financial Regulation 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 MURPHY of Berwick.

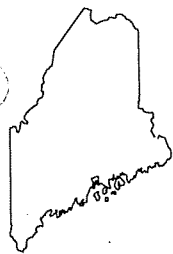
Cosponsored by Representative SHELTRA of Biddeford and Senator RICH of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Promote Efficient Enforcement and to Correct Inconsistencies
in the Manufactured Housing Laws.**

(EMERGENCY)



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

4 Whereas, it is vital that the funds provided for in this
6 legislation be available for the beginning of fiscal year
1991-92; and

8 Whereas, that fiscal year will begin before the expiration
10 of the 90-day period; and

12 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

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

20 **Sec. 1. 10 MRSA §9003, sub-§7, as enacted by PL 1977, c. 550,**
§1, is amended to read:

22 7. **Meetings.** Three Five members of the board shall
24 constitute a quorum. The board shall meet at the written request
of the director or of a majority of the members of the board.
26 ~~Meetings--of--the~~ The board shall be held at such determine the
time and place as ~~shall be determined by the board of meetings.~~
28 At least 6 meetings per calendar year shall must be held.

30 **Sec. 2. 10 MRSA §9021, sub-§2, ¶¶A to C, as amended by PL 1983,**
c. 553, §15, are further amended to read:

32 A. The license fee for manufacturers of manufactured
34 housing who deliver or sell manufactured housing may not
exceed \$200 annually. Each manufacturing plant that
36 delivers or sells manufactured housing in the State must
obtain a separate license.

38 B. The license fee for dealers who are engaged in the
40 retail selling, offering for sale, brokering, or
distribution of any manufactured homes may not exceed \$200
42 annually.

44 C. The license fee for mechanics who service ~~or--install~~
46 manufactured housing, as defined in section 9002, subsection
7, paragraphs A and C, may not exceed \$200 annually.

48 **Sec. 3. 10 MRSA §9021, sub-§2, ¶D, as enacted by PL 1981, c.**
152, §13, is amended to read:

2 D. The additional license fee for dealers or mechanics who
3 have more than one business location may not exceed \$10 \$50
4 annually per additional location.

6 **Sec. 4. 10 MRSA §9021, sub-§§3 and 4,** as repealed and replaced
7 by PL 1981, c. 152, §13, are amended to read:

8 **3. License term.** Licenses shall expire February 28th or at
9 such other times as the Commissioner of Business Professional and
10 Financial Regulation may designate and ~~shall-be~~ are issued on a
11 biennial basis upon payment of a license fee.

12 **4. Renewals.** The board shall notify each licensee of the
13 expiration date of his that licensee's license and indicate the
14 amount of fee required for biennial renewal. Notice shall must
15 be mailed to each ~~person's~~ licensee's last known address at least
16 30 days in advance of the expiration date of the license. A
17 license may be renewed up to 90 days after the date of its
18 expiration upon payment of a late fee of \$50 in addition to the
19 renewal fee. If any licensee fails to renew within ~~30~~ 90 days
20 after expiration, ~~he-shall-be~~ that licensee is required to make a
21 new application.

24 **Sec. 5. 10 MRSA §9045, sub-§1,** as amended by PL 1983, c. 553,
25 §16, is further amended to read:

26 **1. Fee for new units.** A fee not exceeding \$100 for each
27 new dwelling unit ~~which that~~ is installed in this State; and

30 **Sec. 6. 10 MRSA §9045, sub-§2,** as amended by PL 1983, c. 553,
31 §16, is repealed and the following enacted in its place:

32 **2. Fee for inspection.** If the board determines it
33 necessary, the board may assess the manufacturer, dealer,
34 distributor, broker, mechanic or licensed installer a reasonable
35 fee for inspections.

38 **Sec. 7. 10 MRSA §9081, sub-§2,** as amended by PL 1985, c. 600,
39 §1, is further amended to read:

40 **2. Mobile home park.** "Mobile home park" means a parcel or
41 adjoining parcel of land, under single ownership, ~~which that~~ has
42 been planned and improved for the placement of 3 or more mobile
43 homes ~~per-parcel,~~ but ~~shall~~ does not include a construction camp.

46 **Sec. 8. 10 MRSA §9081, sub-§3,** as enacted by PL 1983, c. 553,
47 §17, is repealed.

48 **Sec. 9. 10 MRSA §9088,** as enacted by PL 1983, c. 553, §17, is
49 repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill:

1. Increases the number of members of the Manufactured Housing Board required for a quorum to reflect the board's increased membership;

2. Establishes \$200 as the maximum annual limit for licensing fees paid biennially by manufacturers, dealers and mechanics;

3. Corrects a reference to the Commissioner of Business Regulation by changing it to the Commissioner of Professional and Financial Regulation;

4. Specifies that each manufacturing plant selling homes in this State must hold a separate license;

5. Increases the license fee for dealers or mechanics with more than one business location from \$10 to \$50 annually;

6. Adds a \$50 fee in addition to the renewal fee for licenses renewed within 90 days of their expiration.

7. Specifies that the fee for each new unit applies to each dwelling unit;

8. Allows the board to assess charges for inspections to the manufacturer, dealer, distributor, broker or mechanic responsible for the need for an inspection, upon a determination of the party responsible for the problem. Under current law, the board could charge a consumer for an inspection even when the consumer is not responsible for the condition requiring the inspection;

9. Amends the definition of "mobile home park";

10. Eliminates the definition of "sanitarian" because the definition no longer accurately reflects the responsibilities and activities of the board and its inspection process; and

11. Deletes the section of law regarding municipal inspections because licenses are no longer issued based upon inspections by municipalities.