

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1655

H.P. 1130

House of Representatives, April 24, 1991

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business Legislation 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, Senator RICH of Cumberland and Senator MATTHEWS of Kennebec.

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STATE OF MAINE

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

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**An Act to Establish Licensure of Manufactured Housing Installers.**

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(EMERGENCY)



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

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

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

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

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

Sec. 1. 10 MRSA §9002, sub-§9, as amended by PL 1981, c. 152, §5, is further amended to read:

9. **Mechanic.** "Mechanic" means any person engaged in servicing ~~or~~ installing manufactured housing, as defined in section 9002, subsection 7, paragraphs A and C, for compensation and who is not a regular employee of a manufacturer or a dealer.

Sec. 2. 10 MRSA §9021, sub-§2, ~~¶E~~ is enacted to read:

E. The license fee for licensed installers who install or service manufactured housing may not exceed \$200 annually.

Sec. 3. 10 MRSA §9022, sub-§§1 and 3, as enacted by PL 1977, c. 550, §1, are amended to read:

1. **Dealers.** Dealers who are licensed according to this chapter may ~~install~~ ~~or~~ service, or may have their employees ~~install~~ ~~or~~ service any manufactured housing in compliance with this chapter and the dealer and his the dealer's employees shall be are exempt from any requirements for trade or mechanic licenses of any other type. The dealer is not exempt from any requirements for a permit which that any state or political subdivision may require.

3. **Mechanics.** Licensed mechanics may ~~install~~ ~~or~~ service manufactured housing and are exempt from any other licensing requirements of any state or political subdivisions, but must obtain any permits required.

Sec. 4. 10 MRSA §9022, sub-§4 is enacted to read:

2 4. Certified installers. A person licensed as an installer  
3 of manufactured housing is exempt from any other licensing  
4 requirements for installing manufactured housing of any state or  
5 political subdivision, but must obtain any permits required.

6 Sec. 5. 10 MRSA c. 951, sub-c. VII is enacted to read:

8 SUBCHAPTER VII

10 LICENSURE OF INSTALLATION PERSONNEL

12 §9090. Definitions

14 As used in this subchapter, unless the context otherwise  
15 indicates, the following terms have the following meanings.

16 1. Approved installation plan. "Approved installation  
18 plan" means a plan that conforms to the recognized codes and  
19 rules adopted by the board or other state agency and that  
20 provides for the assembly of a manufactured unit on-site,  
21 affixing a manufactured unit to land, to a foundation, to  
22 footings or to an existing building and making service  
23 connections that are part of the installation.

24 2. Licensed installer. "Licensed installer" means a person  
26 licensed by the board to install manufactured housing.

28 §9090-A. Licensure

30 1. Application form. An applicant for licensure as an  
32 installer must complete an application form provided by the  
33 board. The applicant must submit the application to the board  
34 with a fee established by the board. Following the confirmed  
35 receipt of the completed application and fee by the board, the  
36 applicant may install manufactured housing for a period not to  
37 exceed 6 months, except as provided in subsection 2.

38 2. Installation training course. Each applicant must  
39 satisfactorily complete within 6 months from the date of the  
40 completed application an installation training course approved by  
41 the board. The board shall ensure that the course is offered on  
42 various dates during the year at locations throughout the State.  
43 Upon satisfactory completion of the course, an applicant must  
44 provide proof of completion to the board, which shall issue a  
45 license to the applicant.

46 3. Continuing education. A licensed installer is required  
48 to satisfy any continuing education requirements that are  
49 established by the board.

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2 4. Nonrenewal. Failure to satisfactorily complete in a  
4 timely manner either the installation training course or the  
continuing education requirements may result in the nonrenewal of  
an installer's license.

6 5. Licensure term. Licensure must be renewed on or before  
8 February 28th of each even-numbered year or at any other time  
that the Commissioner of Professional and Financial Regulation  
designates.

10 6. Renewals. The board shall notify each licensed  
12 installer of the expiration date of the license and of the  
14 requirements for biennial license renewal. Notice must be mailed  
16 to each licensed installer's last known address at least 30 days  
18 in advance of the expiration date of the license. If any  
installer fails to renew within 30 days after expiration, the  
installer must submit a new application. A license may be  
renewed up to 90 days after the date of its expiration upon  
payment of the renewal fee and a late fee of \$50.

20 §9090-B. Fees

22 The board may establish and collect the fees in this  
24 section. All fees collected must be paid to the Treasurer of  
State for deposit in the Manufactured Housing Fund.

26 1. Application and license renewal fee. The application  
28 and license renewal fee for installers of manufactured housing  
may not exceed \$200 annually.

30 2. Installation fee. The dealer or installer shall pay an  
32 installation fee for manufactured housing, which may not exceed  
\$100 per dwelling unit installed.

34 §9090-C. Installation of manufactured housing

36 1. Standards. Manufactured housing may not be installed  
38 within the State unless the installation is performed by a  
40 licensed installer in accordance with the manufacturer's approved  
42 installation plan and the minimum standards established by the  
board. If the manufacturer's installation plan is not available,  
the unit must be installed according to approved installation  
plans provided by a registered engineer.

44 2. Decal. All licensed installers shall purchase  
46 installation decals from the board and place the decals on each  
48 unit installed by the licensee. This decal must denote the date  
of installation and the license number of the licensed installer.

50 3. Prohibited. A person, dealer, distributor or  
52 manufacturer may not employ any person, firm or corporation that  
is not a licensed installer to install manufactured housing. A

2 person, dealer, distributor, manufacturer, firm, copartnership or  
3 corporation may hire any number of unlicensed people to assist  
4 the licensed installer during the installation process.  
5 Installation work may not be performed unless a licensed  
6 installer is present at the site. A person, corporation, firm or  
7 copartnership that installs a unit without a licensed installer  
8 is guilty of a Class E crime. Each unit installed without a  
9 licensed installer constitutes a separate offense.

10 **§9090-D. Reporting requirements**

12 1. Monthly installation report. All licensees shall  
13 complete a monthly installation report, on a form provided by the  
14 board, setting forth the previous month's installations and file  
15 it with the board no later than the 10th day of the following  
16 month. This report must include for each unit installed the name  
17 and license number of the installer, the name and address of the  
18 owner and the location of the unit installed if different from  
19 that address, the name of the party responsible for hiring the  
20 licensee and the manufacturer and unit serial number.

22 2. Affidavit. The monthly installation report must include  
23 an affidavit stating that the licensee has installed the units in  
24 accordance with manufacturers' plans and minimum standards  
25 established by the board or plans provided by a registered  
26 engineer that are in accordance with minimum standards  
27 established by the board. If a unit is installed in accordance  
28 with the plans provided by an engineer, a copy of those plans  
29 must be attached to the report.

30 **§9090-E. Requirements of manufacturer's plans**

32 1. Installation manuals. A manufacturer is required to  
33 furnish to the board an approved copy of an installation manual  
34 for each unit produced that is sold or set up within the State.

36 2. Installation manual approval. The manufacturer's  
37 installation manual must be approved and certified by a federally  
38 approved design approval primary inspection agency or a 3rd party  
39 approved by the board.

40 **§9090-F. Inspection of installations**

42 The board may inspect or cause to be inspected the  
43 installation of any manufactured unit if requested to do so by  
44 the owner, manufacturer, licensed installer or other interested  
45 parties. The board shall prepare a written report of its  
46 inspection. The board may assess the manufacturer, dealer or  
47 installer a reasonable fee for these services.

48 **9090-G. Disciplinary actions**

