

MAINE STATE LEGISLATURE

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L.D. 2061

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1457, L.D. 2061, Bill, "An Act To Issue Certificates of Title for Single-unit Mobile Homes"

Amend the bill by inserting before section 1 the following:

Sec. 1. 10 MRSA §9001, sub-§1, ¶C, as amended by PL 1993, c. 642, §8, is further amended to read:

C. The production and use of manufactured housing utilizing production technologies, techniques, methods and materials require the application and enforcement of uniform building codes and installation standards within this State; and

Sec. 2. 10 MRSA §9001, sub-§1, ¶D, as enacted by PL 1993, c. 642, §8, is amended to read:

D. Manufactured housing may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured because vital parts such as heating, plumbing and electrical systems are concealed and defects may not be readily ascertainable when inspected by a purchaser. Accordingly, it is the policy and purpose of this State to provide protection to the public against those possible hazards; and

Sec. 3. 10 MRSA §9001, sub-§1, ¶E is enacted to read:

E. As a valued and important component of the housing industry in this State, manufactured housing is recognized as residential property, whether it is real property or personal property, notwithstanding the requirements of Title 29-A.'

COMMITTEE AMENDMENT "A" to H.P. 1457, L.D. 2061

Further amend the bill in section 4 in subsection 9 by striking out all of paragraph C (page 2, line 49 in L.D.) and inserting in its place the following:

'C. Multisectional;'

Further amend the bill in section 4 in subsection 9 by striking out all of paragraph D (page 3, line 1 in L.D.) and inserting in its place the following:

'D. Defined in section 101, subsection 32-B, paragraph B; or'

Further amend the bill in section 4 in subsection 9 by inserting after paragraph D the following:

'E. Permanently affixed to real property within 30 days of the date of sale.'

Further amend the bill by inserting after section 6 the following:

'Sec. 7. 29-A MRSA §669 is enacted to read:

§669. Cancellation of certificate of title to manufactured housing

1. Real property transactions. This section governs cancellation of a certificate of title to manufactured housing by the owner of the manufactured housing when the manufactured housing becomes affixed to real property owned by the owner of the manufactured housing.

2. Cancellation. A certificate of title to manufactured housing may be cancelled by the Secretary of State if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

A. The original certificate of title to the manufactured housing;

B. A description of the manufactured housing, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section;

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C. The legal description of the real property; and

D. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured housing and that the manufactured housing is permanently affixed to the real property in accordance with state law.

3. Recording. The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

4. Request for cancellation. An owner of manufactured housing shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing requesting cancellation of the certificate of title, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

5. Liens. For purposes of perfection, realization and foreclosure of security interests, if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing does not exist, and the manufactured housing may be secured only as part of the real property through a mortgage under Title 33.

6. Applicability. This section applies to manufactured housing required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing pursuant to this section.

7. Taxation not affected. Nothing in this section may be construed to affect the taxation of manufactured housing.

8. No change to common law. Nothing in this section may be construed to modify or change existing common law.'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. 29-A MRSA §708 is enacted to read:

§708. Manufactured housing

2 This subchapter applies to perfection of security interests
3 in manufactured housing that is not permanently affixed to real
4 property.'

6 Further amend the bill in section 8 in the first line (page
7 3, line 46 in L.D.) by striking out the following: "January" and
8 inserting in its place the following: 'October'

10 Further amend the bill by relettering or renumbering any
11 nonconsecutive Part letter or section number to read
12 consecutively.

14 SUMMARY

16 This amendment recognizes manufactured housing as an
17 important component of the housing industry in the State and as
18 residential property whether it is considered personal property
19 or real property.

20 This amendment excepts from titling requirements
21 manufactured housing that is permanently affixed to real property
22 within 30 days of the date of sale. Such manufactured housing
23 will be treated as real property.

26 This amendment establishes a procedure to cancel a
27 certificate of title once the titled manufactured housing is
28 permanently affixed to real property.

30 This amendment changes the effective date of the bill from
31 January 1, 2007 to October 1, 2007.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 2061

LR 3171(02)

An Act To Issue Certificates of Title for Single-unit Mobile Homes

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$0	\$8,880	\$13,315
Highway Fund	\$0	\$0	\$21,032	(\$5,060)
Appropriations/Allocations				
Highway Fund	\$0	\$0	\$25,632	\$0
Revenue				
General Fund	\$0	\$0	(\$8,880)	(\$13,315)
Highway Fund	\$0	\$0	\$4,600	\$5,060

Fiscal Detail and Notes

Changes in the filing requirements for motor homes will result in the estimated loss of \$8,880 and \$13,315 in General Fund revenue for fiscal years 2007-08 and 2008-09, respectively, collected by the Department of the Secretary of State. In addition, the Bureau of Motor Vehicles within the department will require a one-time Highway Fund allocation of \$25,632 in fiscal year 2007-08 for the costs of computer programming changes and necessary training. Finally, the bureau will be collecting an estimated \$4,600 and \$5,060 in fiscal years 2007-08 and 2008-09, respectively, in registration fee revenue for the Highway Fund.