

# MAINE STATE LEGISLATURE

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Date: 06-13-07

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**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**123RD LEGISLATURE**

**FIRST REGULAR SESSION**

**Minority**

COMMITTEE AMENDMENT “A” to S.P. 602, L.D. 1695, Bill, “An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing”

Amend the bill by inserting after the enacting clause and before section 1 the following:

**‘PART A’**

Amend the bill by striking out all of section 1 and inserting the following:

**‘Sec. 1. 10 MRSA §9001, sub-§1, ¶E,** as enacted by PL 2005, c. 678, §3 and affected by §13, is amended 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.~~

**Sec. 2. 29-A MRSA §651, sub-§6,** as enacted by PL 2005, c. 678, §6 and affected by §13, is repealed.

**Sec. 3. 29-A MRSA §652, sub-§9,** as repealed and replaced by PL 2005, c. 678, §7 and affected by §13, is repealed and the following enacted in its place:

**9. Mobile home.** A mobile home;

**Sec. 4. 29-A MRSA §654, sub-§5,** as enacted by PL 2005, c. 678, §8 and affected by §13, is repealed.

**Sec. 5. 29-A MRSA §667, sub-§7,** as enacted by PL 2005, c. 678, §9 and affected by §13, is repealed.

**Sec. 6. 29-A MRSA §669,** as enacted by PL 2005, c. 678, §10 and affected by §13, is repealed.

**COMMITTEE AMENDMENT**



COMMITTEE AMENDMENT "A" to S.P. 602, L.D. 1695

1 the following: "I.J., spouse of the grantor, releases all rights in the manufactured housing  
2 being conveyed." and inserting the following: '(I.J., spouse of the grantor, releases all  
3 rights in the manufactured housing being conveyed.)'

4 Amend the bill in section 6 in §459 in subsection 1 in paragraph C in the Form in the  
5 3rd indented paragraph in the last 2 lines (page 4, lines 38 and 39 in L.D.) by striking out  
6 the following: "I.J., spouse of the grantor, releases all rights in the manufactured housing  
7 being conveyed." and inserting the following: '(I.J., spouse of the grantor, releases all  
8 rights in the manufactured housing being conveyed.)'

9 Amend the bill in section 6 in §459 in subsection 1 in paragraph E in the Form in the  
10 3rd indented paragraph in the last 2 lines (page 6, lines 33 and 34 in L.D.) by striking out  
11 the following: "G.H., spouse of the grantor, releases all rights in the manufactured  
12 housing being conveyed." and inserting the following: '(G.H., spouse of the grantor,  
13 releases all rights in the manufactured housing being conveyed.)'

14 Amend the bill in section 6 in §459 by striking out all of subsection 2 and inserting  
15 the following:

16 '2. Deed required. A deed substantially in the form prescribed by subsection 1,  
17 paragraphs A, B and C, duly executed and delivered, is required to transfer to a consumer  
18 title to any HUD-code manufactured housing.'

19 Amend the bill by striking out all of section 7 and inserting the following:

20 'Sec. 7. 36 MRSA §4641-C, sub-§19, as amended by PL 2001, c. 559, Pt. I, §7  
21 and affected by §15, is further amended to read:

22 19. Change in identity or form of ownership. Any transfer of real property,  
23 whether accomplished by deed, conversion, merger, consolidation or otherwise, if it  
24 consists of a mere change in identity or form of ownership of an entity. This exemption  
25 is limited to those transfers when no change in beneficial ownership is made and may  
26 include transfers involving corporations, partnerships, limited liability companies, trusts,  
27 estates, associations and other entities; ~~and~~

28 Sec. 8. 36 MRSA §4641-C, sub-§20, as enacted by PL 2001, c. 559, Pt. I, §8 and  
29 affected by §15, is amended to read:

30 20. Controlling interests. Transfers of controlling interests in an entity with a fee  
31 interest in real property if the transfer of the real property would qualify for exemption if  
32 accomplished by deed of the real property between the parties to the transfer of the  
33 controlling interest; ~~and~~

34 Sec. 9. 36 MRSA §4641-C, sub-§21 is enacted to read:

35 21. Original transfers of manufactured housing. Transfers of HUD-code  
36 manufactured housing to a consumer by deed pursuant to Title 33, section 151 that are  
37 subject to sales tax.

38 Sec. 10. Effective date. This Part takes effect January 1, 2008.'

COMMITTEE AMENDMENT "A" to S.P. 602, L.D. 1695

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment is the minority report of the Joint Standing Committee on Judiciary.

5 This amendment removes the provision for the creation of a security interest in HUD-  
6 code manufactured housing under the Uniform Commercial Code as an alternative to a  
7 real estate mortgage.

8 This amendment limits the exemption from the real estate license law to transactions  
9 in HUD-code manufactured housing.

10 This amendment mandates the conveyance by deed of HUD-code manufactured  
11 housing to a consumer and incorporates the transformation from personal property to real  
12 estate caused by the conveyance into the sales and real estate transfer tax laws.

13 This amendment clarifies that all kinds of deeds are available for transfers of title in  
14 HUD-code manufactured housing, adds parentheses to the provisions for spousal joinder  
15 in the deed forms to remove any suggestion that spousal rights are created in the forms. It  
16 also removes the limitation to transfers occurring prior to installation to the requirement  
17 of transfer of HUD-code manufactured housing by deed to a consumer and exempts from  
18 the real estate transfer tax original transfers by deed of HUD-code manufactured housing  
19 to a consumer that are subject to sales tax.

20 This amendment also repeals the language establishing a titling process in the Maine  
21 Revised Statutes, Title 29-A, originally enacted by Public Law 2005, chapter 678. The  
22 sections dealing with the titling process are repealed September 30, 2007. The provisions  
23 establishing the conveyancing by deed of HUD-code manufactured housing take effect  
24 January 1, 2008.

25 **FISCAL NOTE REQUIRED**  
26 **(See attached)**



# 123rd MAINE LEGISLATURE

LD 1695

LR 1703(02)

## An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing

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

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
<b>Net Cost (Savings)</b>				
Highway Fund	\$17,250	\$17,250	\$17,250	\$17,250
<b>Revenue</b>				
Highway Fund	(\$17,250)	(\$17,250)	(\$17,250)	(\$17,250)

#### Fiscal Detail and Notes

Beginning in fiscal year 2007-08, the repeal of certain titling requirements for manufactured housing will result in the loss of \$17,250 in annual Highway Fund revenue collected by the Secretary of State.