

On His	1
	2

Date: 5/4/11

L.D. 657 (Filing No. H- **I83** )

3	VETERANS AND LEGAL AFFAIRS
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	125TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "A" to H.P. 487, L.D. 657, Bill, "An Act To Permit Disposal of Abandoned Manufactured Housing"
11 12	Amend the bill by striking out everything after the title and before the summary and inserting the following:
13 14	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
15 16	Whereas, legislation enacted last year inadvertently repealed the statutory process governing the disposal of abandoned manufactured housing or mobile homes; and
17 18 19	Whereas, this legislation provides mobile home park owners and operators a process for disposing of abandoned manufactured housing or mobile homes, including modular homes located on leased land; and
20 21 22	Whereas, immediate enactment is necessary to allow mobile home park owners and operators the ability to dispose of currently abandoned manufactured housing or mobile homes; and
23 24 25 26	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,
27	Be it enacted by the People of the State of Maine as follows:
28	Sec. 1. 10 MRSA §9097, sub-§1-B is enacted to read:
29 30 31 32 33 34	<b>1-B.</b> Abandoned mobile home or manufactured housing. Manufactured housing that is abandoned or unclaimed by a tenant following the tenant's eviction in accordance with this section and section 9097-B must be disposed of by a mobile home park owner or operator as follows. For purposes of this subsection, "manufactured housing" includes all housing described in section 9002, subsection 7 located in a land lease community or mobile home park.

Page 1 - 125LR1221(02)-1

# **COMMITTEE AMENDMENT**

### COMMITTEE AMENDMENT "A" to H.P. 487, L.D. 657

A. After a mobile home park owner or operator obtains a judgment for forcible entry and detainer, the mobile home park owner or operator shall send written notice by first-class mail, with proof of mailing, to the last known address of the tenant with a copy to the lienholder, if known. The notice must set forth the mobile home park owner's or operator's intent to dispose of the manufactured housing. The notice must advise the tenant and lienholder, if known, that if the tenant or lienholder does not respond to the notice within 14 calendar days the mobile home park owner or operator may dispose of the property as set forth in this subsection. If the tenant or lienholder does respond to the notice, the tenant or lienholder shall take possession of the property within 21 calendar days. Subsection 2-B applies with respect to the rights and responsibilities of the lienholder.

B. If a tenant or lienholder claims ownership of the manufactured housing within 14 calendar days after the notice under paragraph A is sent, the tenant or lienholder shall take possession of the property within 21 calendar days of claiming ownership. If the tenant or lienholder timely claims the property but is not able to move the property within 21 days due to weather or posted road conditions, the mobile home park owner or operator shall allow the tenant or lienholder to remove the property after the 21-day period but the mobile home park owner or operator may charge for any additional costs incurred as a result of the delay.

20C. If a tenant or lienholder does not claim ownership of the property within 1421calendar days after the notice under paragraph A is sent or fails to take possession of22the property after claiming ownership pursuant to paragraph B, the mobile home park23owner or operator may take one or more of the following actions:

 24 (1) Condition the release of the property to the tenant or lienholder upon 25 payment of all rental arrearages, damages, costs of legal fees and costs of storage;

26 (2) Sell any property for a reasonable fair market price and apply all proceeds to
27 rental arrearages, damages, costs of storage, marketing expenses, legal fees and
28 outstanding taxes. Any balance must be sent to the tenant's or lienholder's last
29 known mailing address and, if returned to the sender, the balance must be
30 forwarded to the Treasurer of State; and

31 (3) Dispose of any property that has no reasonable fair market value.

32 **Emergency clause.** In view of the emergency cited in the preamble, this 33 legislation takes effect when approved.'

34

A 33

12

3

4

5

6

7

8

9

10

11 12

13

14

15

16

17

18

19

**SUMMARY** 

This amendment replaces the bill. The amendment provides mobile home park owners and operators a process for the disposal of abandoned manufactured housing. For purposes of the amendment, "manufactured housing" is defined to include a mobile home or a modular home on leased land. This process is based on the provisions of the Maine Revised Statutes, Title 14, section 6013, which were enacted in Public Law 2009, chapter 566 by the Second Regular Session of the 124th Legislature and relate to the disposal of personal property abandoned by a tenant. Public Law 2009, chapter 566 also

Page 2 - 125LR1221(02)-1

# **COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "	<b>7</b> " to H.P. 487, L.D. 657
COMMITTEE AMENDMENT "	" to H.P. 487, L.D. 65

inadvertently repealed the process governing the disposal of manufactured housing by a landlord.

The amendment also adds an emergency preamble and emergency clause to the bill.

#### FISCAL NOTE REQUIRED

5

1 2

3

4

33

(See attached)

Page 3 - 125LR1221(02)-1

# **COMMITTEE AMENDMENT**



### **125th MAINE LEGISLATURE**

#### LD 657

### LR 1221(02)

#### An Act To Permit Disposal of Abandoned Manufactured Housing

Fiscal Note for Bill as Amended by Committee Amendment 'A'' Committee: Veterans and Legal Affairs Fiscal Note Required: Yes

#### **Fiscal Note**

Minor revenue increase - General Fund

#### **Fiscal Detail and Notes**

Providing landlords with a process for the disposal of abandoned mobile homes or manufactured housing may result in a minor revenue increase to the Office of the Treasurer to the extent that landlords remit any unclaimed balances to the Office of the Treasurer when subsequent to the sale of abandoned property the owner cannot be found.