

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1931

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H.P. 1239

House of Representatives, May 15, 2023

**An Act to Foster Stable and Affordable Home Ownership in Mobile Home Parks by Amending the Laws Relating to the Sale of Mobile Home Parks**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GERE of Kennebunkport.

Cosponsored by Representatives: ABDI of Lewiston, ANKELES of Brunswick, DILL of Old Town, DOUDERA of Camden, KESSLER of South Portland, OSHER of Orono, RIELLY of Westbrook, SUPICA of Bangor.

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

2 **Sec. 1. 10 MRSA §9094-A, sub-§1**, as enacted by PL 1989, c. 768, is repealed and  
3 the following enacted in its place:

4 **1. Notice required.** The owner of a mobile home park shall give notice of the intent  
5 to sell the mobile home park to each owner of a mobile home in the mobile home park and  
6 to the department of the Maine State Housing Authority that provides home-buyer  
7 assistance. The owner of the mobile home park may not make a final unconditional  
8 acceptance of an offer for the sale of the mobile home park earlier than the 60th day after  
9 the date the notice was mailed as required by this subsection. The notice must include:

10 A. A statement that a group of mobile home owners or a mobile home owners'  
11 association of the mobile home park may make an offer to purchase the mobile home  
12 park within 60 days of the mailing date of the notice; and

13 B. Either:

14 (1) The price, terms and conditions for which the owner of the mobile home park  
15 intends to sell the mobile home park; or

16 (2) The price, terms and conditions of any acceptable offer the owner of the mobile  
17 home park has received for the mobile home park, including a signed copy of the  
18 written offer that contains a description of the property. The owner may redact the  
19 name, address, contact information or other identifying information of the party  
20 making the offer.

21 The notice must be mailed by certified mail, return receipt requested, to each mobile home  
22 owner at the mobile home owner's home address and to the department of the Maine State  
23 Housing Authority that provides home-buyer assistance at the department's main office.

24 **Sec. 2. 10 MRSA §9094-A, sub-§2**, as enacted by PL 1989, c. 768, is repealed.

25 **Sec. 3. 10 MRSA §9094-A, sub-§3**, as enacted by PL 1989, c. 768, is repealed.

26 **Sec. 4. 10 MRSA §9094-A, sub-§3-A** is enacted to read:

27 **3-A. Group of mobile home owners or a mobile home owners' association**  
28 **purchase.** The owner of a mobile home park shall consider any offer received before the  
29 60th day after the date the notice was mailed as required by subsection 1 from a group of  
30 mobile home owners or a mobile home owners' association, as long as the mobile home  
31 owners of at least 51% of the mobile homes in the mobile home park that are occupied by  
32 the mobile home owner or a family member of the mobile home owner sign a petition or  
33 otherwise indicate in writing that they support making the offer. The owner of the mobile  
34 home park shall negotiate in good faith with the group of mobile home owners or the mobile  
35 home owners' association concerning a purchase pursuant to an offer made under this  
36 subsection. An offer made by the group of mobile home owners or the mobile home  
37 owners' association must include a purchase and sale agreement. If the owner of the mobile  
38 home park accepts the offer of the group of mobile home owners or the mobile home  
39 owners' association, the group of mobile home owners or the mobile home owners'  
40 association must obtain appropriate financing before the 90th day after the execution date  
41 of the purchase and sale agreement.

42 **Sec. 5. 10 MRSA §9094-A, sub-§3-B** is enacted to read:

- 1           **3-B. Applicability.** This section does not apply to:
- 2           A. A sale after foreclosure by a bank, mortgage company or other mortgagee at a
- 3           foreclosure sale or a sale after purchase at a foreclosure sale;
- 4           B. A sale or transfer to a family member of the owner of the mobile home park or to a
- 5           trust, the beneficiaries of which are family members of the owner of the mobile home
- 6           park. For purposes of this paragraph, "family member" means a person identified in
- 7           Title 18-C, section 2-102 as eligible for intestate share;
- 8           C. A sale or transfer by a partnership to one or more of its partners;
- 9           D. A conveyance of an interest in the mobile home park incidental to the financing of
- 10           the mobile home park;
- 11           E. A sale or transfer between owners of the mobile home park who are joint tenants or
- 12           tenants in common;
- 13           F. A sale pursuant to the exercise of the power of eminent domain; or
- 14           G. A transfer that is by gift, devise, judicial decree or operation of law.

15           The requirements of this section apply separately to each substantially different offer to sell

16           or purchase a mobile home park.

17           **Sec. 6. 10 MRSA §9094-A, sub-§3-C** is enacted to read:

18           **3-C. Affidavit of compliance.** A mobile home park owner may record in the registry

19           of deeds of the county or district in which the mobile home park is located an affidavit in

20           which the park owner certifies that:

- 21           A. The mobile home park owner has complied with the requirements of this section;
- 22           or
- 23           B. The sale of the mobile home park is exempted from the requirements of this section
- 24           pursuant to subsection 3-B.

25           The mobile home park owner may send a copy of the affidavit to the Maine State Housing

26           Authority.

27           A party acquiring an interest in a mobile home park, a title insurance company and an

28           attorney preparing, furnishing or examining evidence of title of the mobile home park may

29           rely on the truth and accuracy of the statements appearing in an affidavit filed under this

30           subsection and are under no obligation to inquire further as to any matter or fact relating to

31           the mobile home park owner's compliance with the provisions of this section. This

32           subsection must be liberally construed in order that all persons may rely on the record title

33           to a mobile home park.

34           **Sec. 7. 10 MRSA §9094-A, sub-§4,** as enacted by PL 1989, c. 768, is amended to

35           read:

36           **4. Enforcement.** A mobile ~~homeowner~~ home owner, group of mobile ~~homeowners~~

37           home owners or a mobile ~~homeowners'~~ home owners' association aggrieved by a violation

38           of this section may bring an action in Superior Court against the violator for injunctive

39           relief, damages and attorney's fees. A violation of any of the provisions of this chapter is

40           considered prima facie evidence of an unfair or deceptive trade practice under Title 5,

41           chapter 10.

