

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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(5) The provisions of subsections (2), (3) and (4) shall not apply to sales of new or unused consumer goods or services. Any language, oral or written, used by a seller or manufacturer of consumer goods and services, which attempts to exclude or modify any implied warranties or merchantability and fitness for a particular purpose or to exclude or modify the consumer's remedies for breach of those warranties, shall be unenforceable. Consumer goods and services are those goods and services, including mobile homes, which are used or bought primarily for personal, family or household purposes.

(a) A violation of sections 2-314, 2-315 or 2-316, arising from the retail sale of consumer goods and services, shall constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Effective October 3, 1973

CHAPTER 445

AN ACT to Amend the Municipal Official Conflict of Interest Law.

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

Sec. 1. R. S., T. 30, § 2251, sub-§ 1, amended. Subsection 1 of section 2251 of Title 30 of the Revised Statutes is amended to read as follows:

1. **Voting.** ~~Where it would be decisive, the~~ The vote by any official of a municipality in his official position on any question in which he has a direct or an indirect pecuniary interest is void.

Sec. 2. R. S., T. 30, § 2251, sub-§ 4, repealed. Subsection 4 of section 2251 of Title 30 of the Revised Statutes, as enacted by section 3 of chapter 247 of the public laws of 1967, is repealed.

Effective October 3, 1973

CHAPTER 446

AN ACT to Clarify the Industrialized Housing Act as it Relates to Mobile Homes.

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

Sec. 1. R. S., T. 30, § 4773, sub-§ 8, additional. Section 4773 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding a new subsection 8 to read as follows:

8. **Mobile home.** "Mobile home" means an industrialized house which is equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit without permanent foundation, but capable of being permanently plumbed.

The term includes :

A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and

B. Units composed of 2 or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

Sec. 2. R. S., T. 30, § 4774, amended. Section 4774 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding at the end a new paragraph to read as follows :

New industrialized housing, including mobile homes, and housing components which are not approved by the authority shall not be sold in this State more than 6 months after the state authority adopts a resolution stating that its inspection program under this subchapter has achieved maximum coverage and effectiveness.

Sec. 3. R. S., T. 30, § 4775, amended. Section 4775 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding at the end a new paragraph to read as follows :

The authority shall adopt separate rules and regulations for mobile homes which shall recognize the unique qualities of mobile homes. The authority may refer to such nationally recognized codes as the Standard for Mobile Homes published by the American National Standards Institute or other similar codes. Before adopting the regulations governing mobile homes, the authority shall publish notice of intent to adopt regulations for at least 5 consecutive days in the state paper and shall thereafter have available for inspection at the office of the authority a copy of said proposed regulations for a period of 30 days. Any person desiring to make a statement of record opposing the adoption of all or any part of said regulations may appear at the next regular meeting of the Commissioners of the Housing Authority to present said statement, which shall be presented in writing.

Sec. 4. R. S., T. 30, § 4780, amended. Section 4780 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding a new paragraph at the end to read as follows :

If any party appeals a decision of the authority to adopt any mobile home regulation within 30 days after the official adoption of said regulation, and files notice of said appeal with the authority, the challenged regulation shall not be enforced until final determination by the reviewing Justice in the Superior Court. The appeal of any one regulation shall not affect the validity of the other adopted regulations.

Sec. 5. R. S., T. 30, § 4779, amended. Section 4779 of Title 30, Maine Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding at the end a new paragraph to read as follows :

Upon complaint by a purchaser or resident of any unit bearing certification of the Maine State Housing Authority concerning an alleged defect in construction or an alleged defective component of any system, such as heating or

wiring or plumbing, in any such unit sold, manufactured or delivered in the State of Maine after the effective date of this Act, the authority shall send an inspector to investigate and determine whether said unit complies with established regulations. If the authority shall determine that the inspected unit does not comply with duly adopted regulations, the Executive Director of the Authority or his duly authorized agent shall notify in writing the seller and manufacturer of said unit if their names can be ascertained. Said seller and manufacturer shall furnish to the authority insofar as said seller's or manufacturer's records allow, the names and addresses of all persons who have purchased similar units within the preceding 2-year period. The authority shall notify the complainant of his right of relief under section 4781. The authority shall investigate a reasonable number of similar units to determine whether the defect occurred in other similar units. If it did, the authority shall notify all ascertainable purchasers of said units, in accordance with the records obtained from the manufacturer and seller, of their possible right of action under section 4781. In addition, the authority shall take whatever action it deems necessary against the manufacturer of the defective units in accordance with procedures adopted within the scope of activities envisioned by this Article. The authority may charge special fees to the manufacturer and seller of said defective units to cover the notification and investigation process. Failure of the manufacturer or seller to retain reasonable business records, or to provide access to said records in response to a request by the authority pursuant to this section, shall be considered a violation of this section.

Sec. 6. R. S., T. 30, § 4781, amended. Section 4781 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding at the end a new paragraph to read as follows:

Any person who violates the terms of an injunction issued under this section shall forfeit and pay to the Maine State Housing Authority, to be applied in the carrying out of this Article, a civil penalty of not more than \$1,000 for each violation.

Sec. 7. R. S., T. 30, § 4782, amended. Section 4782 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended by adding at the end a new paragraph to read as follows:

Inspectors for the Maine State Housing Authority shall insure that units are built at least to the standards specified in this section. Said inspectors shall certify to the compliance of units with said standards in all instances in which said wiring, plumbing or heating systems are built into a unit in such a way that an on-site inspection would not adequately disclose the quality of the work being inspected.

Sec. 8. R. S., T. 30, § 4783, amended. The first sentence of section 4783 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 456 of the public laws of 1971, is amended to read as follows:

Any person who violates any of the provisions of this Article or any rules or regulations adopted pursuant hereto shall be guilty of a misdemeanor punishable by a fine not exceeding ~~\$100~~ \$1,000.