

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
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of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

the compact or agreement by voting on the following question:

“Do you approve of the (insert compact or agreement) for the (insert disposal or storage) of low-level radioactive waste proposed to be made with (insert name of state or states or “the Federal Government”)?”

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 26, 1988.

CHAPTER 770

S.P. 825 — L.D. 2147

AN ACT to Provide Greater Protection to Owners of Mobile Homes and Mobile Home Parks.

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

Sec. 1. 14 MRSA §6027, sub-§4, as reallocated by PL 1983, c. 480, Pt. A, §10, is amended to read:

4. **Exemptions.** This section does not apply to any tenancy for a dwelling unit which is:

A. Part of a structure containing no more than 5 dwelling units, one of which is occupied by the landlord;

B. Part of a structure containing no more than 5 dwelling units, one of which is a professional office or business;

B-1. Located in a mobile home park consisting of no more than 10 dwelling units, one of which is occupied by the owner or operator of the park;

C. Limited by and subject to superceding federal law governing dwelling units authorized, approved, financed or subsidized in whole or in part by a unit of government;

C-1. Part of a privately owned mobile home park, all units of which are occupied or reserved for tenant households with at least one resident over age 60 in each;

D. Part of a privately owned multi-unit structure, all units of which are occupied by or reserved for tenant households with at least one resident over age 62 in each; or

E. A separately-owned condominium unit.

Sec. 2. 14 MRSA §6027, sub-§4-A is enacted to read:

4-A. Application to existing mobile home parks. If,

by January 1, 1989, a mobile home park owner or operator proves by written or other evidence to the satisfaction of the Maine Human Rights Commission that, as of January 1, 1988, there was an effective and enforced prohibition against renting a specific lot in that mobile home park to tenants with children, the mobile home park owner or operator may continue the restriction against children on that lot. If the mobile home park owner or operator, following the procedures under subsection 1, sets aside up to 25% of the total number of dwelling units in the park to be rented to tenants without children, the lot or lots covered by this subsection shall be included in the number set aside.

Sec. 3. 14 MRSA §6027, sub-§6 is enacted to read:

6. **Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Dwelling unit” includes a space in a mobile home park.

B. “Landlord” includes a mobile home park owner or operator.

C. “Tenant” includes a mobile home owner.

Sec. 4. 30 MRSA §4064, as repealed and replaced by PL 1985, c. 324, is repealed and the following enacted in its place:

§4064. Restrictions on sale or removal of mobile homes

1. Park acting as agent; advertising. No mobile home park owner or operator may:

A. Exact a commission or fee with respect to the price realized by the seller of the mobile home unless the park owner or operator has acted as agent for the mobile home owner in the sale under a written contract;

B. Require as a condition of tenancy or continued tenancy that a mobile home owner designate the park owner or operator or any other individual or agent to act as agent for the mobile home owner in the sale of the mobile home; or

C. Restrict in any manner the reasonable advertising for sale of any mobile home in that park, except that the mobile home owner shall notify the park owner or operator before placing a “for sale” sign or other form of advertising within the mobile home park.

2. Rules. No mobile home park owner or operator may require a mobile home to be removed from the park except pursuant to a rule contained in the written copy of park rules given to the tenant under section 4066-B, subsection 5. The rules shall clearly describe the standards under which the park owner or operator may require a tenant to remove a mobile home from the park.

A. These standards shall specify, but not be limited to, fair and reasonable rules governing the conditions of:

- (1) Protective exterior coating or siding;
- (2) Roof;
- (3) Windows and doors;
- (4) Plumbing, heating and electrical systems;
- (5) Anchoring system;
- (6) Skirting around the base;
- (7) Steps and handrails;
- (8) Porches, decks or other additions to the home and the exterior structure;
- (9) Width of home, if less than 11 feet, 6 inches;
- (10) Aesthetic appearance;
- (11) Smoke detectors wired into the electrical system; and
- (12) Other aspects of the structural safety or soundness of the home.

B. The park owner or operator shall have the burden of proof to show that the mobile home does not meet the standards of the rules adopted under this subsection.

C. No aesthetic standard may be applied against the mobile home if the standard relates to physical characteristics such as size, except as provided in paragraph A, subparagraph (9), original construction materials or color which cannot be changed without undue financial hardship to the mobile home owner.

D. Neither age of the mobile home nor the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, shall by themselves be a sufficient standard for a park owner or operator to require removal of a mobile home.

E. No mobile home park owner or operator may be liable for any claim or any damages of any kind arising from the presence in the park of a mobile home manufactured before June 15, 1976.

F. The Manufactured Housing Board, in conjunction with the State Fire Marshal, the Department of the Attorney General, representatives of the manufactured housing industry, representatives of mobile home park owners or operators and representatives of mobile home owners and tenants, shall develop recommendations concerning the standards for rules

covered by this subsection. The recommendations shall include standards designed to ensure the safety of the mobile home and its occupants, while being objective and measurable to provide for enforcement. The recommendations shall be made to the joint standing committees of the Legislature having jurisdiction over legal affairs and business legislation by January 15, 1990.

G. This subsection is repealed effective January 15, 1991.

3. Buyer's right of rescission. The buyer of a mobile home located in a mobile home park has the right to rescind the contract for the purchase of the mobile home within 30 days of execution of the contract if:

A. At the time of entering into the contract, the seller or the seller's agent represented to the buyer or the buyer's agent that the mobile home may remain in that mobile home park; and

B. The buyer is not permitted to keep the mobile home in that mobile home park or the buyer is not accepted as a tenant in that mobile home park.

Sec. 5. 30 MRSA §4066-B, sub-§1, ¶¶F and G, as enacted by PL 1975, c. 458, §5, are amended to read:

F. Condemnation or change of use of the mobile home park, provided that, in the case of change of use, one year's notice is given in writing to the tenant, unless at the beginning of the tenancy the tenant is given notice of the scheduled change of use.

G. Renovation or reconstruction of any portions of the park, provided that 60 days' notice, in addition to any other notice required by this section, is given in writing to the tenant and, provided that in the case of a reconstruction which changes the number of mobile homes which can be accommodated on a lot or lots, other than that required by a state or local governmental body, one year's notice shall be given in accordance with paragraph F.

Sec. 6. 30 MRSA §4066-B, sub-§9, as enacted by PL 1985, c. 355, is repealed.

Sec. 7. 30 MRSA §4066-B, sub-§10 is enacted to read:

10. Discrimination against tenants with children prohibited. Discrimination against any tenant with children is prohibited in accordance with Title 14, section 6027.

Sec. 8. 30 MRSA §4965, sub-§2, as enacted by PL 1983, c. 424, is amended to read:

2. Location of manufactured housing. Municipalities shall permit manufactured housing, as defined in this section, to be placed or erected on individual house lots in a number of locations on undeveloped lots where single-

family dwellings are allowed, subject to the same requirements as single-family dwellings, except as otherwise provided in this section. For the locations required by this section, municipal ordinances may not require that manufactured housing on individual lots be greater than 14 feet in width, although municipalities may establish design criteria, including, but not limited to, a pitched, shingled roof; a permanent foundation; and exterior siding that is residential in appearance, provided that the requirements do not have the effect of circumventing the purposes of this section and provided further that the design requirements may not be used to prevent the relocation of any manufactured housing, regardless of its date of manufacture, that is legally sited within the municipality as of the effective date of this section. It shall not constitute compliance with this section simply to provide one or more zones or locations where mobile home parks or mobile home subdivisions or developments are allowed. Municipalities shall have until January 1, 1985, to comply with this section. Nothing in this section may prohibit municipalities from establishing controls on manufactured housing which are less restrictive than are permitted by this section. Municipalities shall not prohibit manufactured housing, regardless of its date of manufacture, solely on the basis of a date of manufacture prior to June 15, 1976, or the failure of a unit to have been manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Municipalities may apply the design standards permitted by this section to all manufactured housing, regardless of its date of manufacture, and may apply reasonable safety standards to manufactured housing built prior to June 15, 1976, or not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

Sec. 9. 30 MRSA §4965, sub-§3 is enacted to read:

3. Location and regulation of mobile home parks. Municipalities:

A. Shall permit mobile home parks to expand and to be developed in a number of environmentally suitable locations in each municipality with reasonable consideration being given to permit existing mobile home parks to expand in their existing locations. A municipality shall not select a location for mobile home park development which, because of prior lot division, locational setting within the municipality, natural features or other similar factors, is not reasonably suitable. This paragraph is effective January 1, 1990; and

B. Shall not enact or enforce any ordinance which requires the minimum size of lots within a mobile home park to be any larger than that which is required by the Manufactured Housing Board by rule under Title 10, section 9005. Municipalities shall not enact or enforce any ordinance concerning the construction of private roads within mobile home parks which is more restrictive than the standards established by the Na-

tional Fire Protection Association standard 501A and the American National Standards Institute standard 225.1. Notwithstanding any provision in this subsection, a person developing or expanding a mobile home park shall have the burden to prove that development will not pollute a public water supply or aquifer or violate any provision of state law relating to land development, subdivision or use. This paragraph is effective January 1, 1989.

Sec. 10. 32 MRSA, c. 113, sub-c. VI is enacted to read:

SUBCHAPTER VI

OPINIONS OF VALUE

§13251. Opinions of value; mobile homes

Any person engaging in real estate brokerage who prepares an opinion of value or appraisal for the purchase or sale of a mobile home shall clearly indicate in the opinion or appraisal the value of the mobile home separate from the value of the land on which the mobile home is located. If the owner of the mobile home does not own the land on which the mobile home is located, the opinion or appraisal shall indicate that fact.

Effective August 4, 1988.

CHAPTER 771

H.P. 1737 — L.D. 2382

AN ACT Concerning Shoreline Alteration of Artificially Created Great Ponds.

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

Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as repealed and replaced by PL 1977, c. 564, §51 is amended to read:

B. The fee prescribed by the commission rules, such fee to be the greater of \$10 or 1/10 of 1% of the total construction costs; and

Sec. 2. 12 MRSA §685-B, sub-§2, ¶D is enacted to read:

D. Evidence of sufficient right, title or interest in all of the property which is proposed for development or use. For purposes of this subsection, the written permission of the record owner or owners of flowed land shall be deemed sufficient right, title or interest to confer standing for submission of a permit application, provided that the letter of permission specifically identifies the activities being performed and the area that may be used for that purpose. The commission may not refuse to accept, under this paragraph, a permit application for any prohibited activity if the owner or