

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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not know of the limitation established by subsection 2 and who violate this section shall return all money withheld in excess of that permitted under subsection 2 within 3 days of written or oral demand by the employee, or forfeit any claim to the overcompensation.

**4. Application.** This section is applied as follows.

A. An employer has the burden of proof, except that, if the overcompensation amounts to less than 15% of the correct net amount of the employee's compensation, the employer must prove by clear and convincing evidence that the employee knowingly accepted the overcompensation.

B. If an employee knowingly accepts the overcompensation, this section does not apply.

C. This section, except for the forfeiture provisions in subsection 3, does not limit or affect an employer's general civil remedies against an employee.

See title page for effective date.

## CHAPTER 805

H.P. 1500 - L.D. 2077

### An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers

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

**Sec. 1. 10 MRSA §1401**, as amended by PL 1973, c. 788, §42, is repealed and the following enacted in its place:

#### §1401. Scope

All new mobile homes sold by a dealer are covered by the warranty established by this chapter.

**Sec. 2. 10 MRSA §1402, sub-§1**, as enacted by PL 1973, c. 435, is repealed and the following enacted in its place:

**1. Dealer.** "Dealer" includes a person who sells a mobile home and is subject to the jurisdiction of this State under Title 14, section 704-A.

**Sec. 3. 10 MRSA §1403**, as enacted by PL 1973, c. 435, is repealed and the following enacted in its place:

#### §1403. Application

The warranty established by this chapter applies to:

**1. Manufacturer.** The manufacturer of the mobile home;

**2. Dealer.** The dealer who sells the mobile home to the buyer; and

**3. Carrier; installer.** A person who, in the ordinary course of business and under contract with, or as an employee or agent of, a dealer located in another state, transports a mobile home into the State or installs a mobile home transported into the State.

**Sec. 4. Licensing out-of-state dealers.** The Manufactured Housing Board shall study the feasibility of requiring any out-of-state dealer to obtain a license issued by the board prior to selling a mobile home to be transported into and installed in this State and imposing sanctions on a dealer who sells a mobile home without a license or fails to comply with the warranty provisions of the Maine Revised Statutes, Title 10, chapter 213. The board shall report its findings to the Joint Standing Committee on Legal Affairs no later than January 1, 1991.

See title page for effective date.

## CHAPTER 806

S.P. 934 - L.D. 2365

### An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, billions of dollars in loans that are secured by real estate are advanced every year to Maine consumers; and

**Whereas**, there are no uniform guidelines on how the appraised values or the qualifications of the individual conducting the appraisal are established; and

**Whereas**, consumers are occasionally swept up with enthusiasm over what may be an unrealistically inflated real estate market only to find that the resale value of their property is substantially lower in some future period; and

**Whereas**, Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101-73, requires that, after July 1, 1991, all real estate appraisals in connection with federally related transactions must be performed by appraisers certified or licensed by the State; and

**Whereas**, the State must establish a process for licensing real estate appraisers in order to assure that uniform, competent guidelines are established for the rendering of real estate appraisals and to fulfill the federal mandate; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legisla-