

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

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

---

---

**Penmor Lithographers**

**Lewiston, Maine**

**2006**

B. As resources permit, undertake studies, develop findings and make recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over utilities matters on issues affecting electricity supply or costs to consumers in this State; and

C. Undertake an examination of the feasibility and appropriate means of studying the impacts of electric industry restructuring in this State.

**8. Authority.** As resources permit, the council may:

A. Conduct public hearings, conferences, workshops and other meetings to obtain information about and discuss and publicize the needs of and solutions to issues facing electricity consumers in this State; and

B. At the request of the joint standing committee of the Legislature having jurisdiction over utilities matters, examine specific issues affecting electricity consumers in this State.

**9. Report.** No later than January 15, 2007, the council shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over utilities matters and the Legislative Council. The council is not authorized to introduce legislation. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over utilities matters may report out a bill to the First Regular Session of the 123rd Legislature.

**10. Extension.** If the council requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension.

**11. Council budget.** The chairs of the council, with assistance from the council staff, shall administer the council's budget. Within 10 days after its first meeting, the council shall present a work plan and proposed budget to the Legislative Council for its approval. The council may not incur expenses that would result in the council's exceeding its approved budget. Upon request from the council, the Executive Director of the Legislative Council shall promptly provide the council chairs and staff with a status report on the council budget, expenditures incurred and paid and available funds.

See title page for effective date.

## CHAPTER 678

### H.P. 1457 - L.D. 2061

#### An Act To Issue Certificates of Title for Single-unit Mobile Homes

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

**Sec. 1. 10 MRSA §9001, sub-§1, ¶C,** as amended by PL 1993, c. 642, §8, is further amended to read:

C. The production and use of manufactured housing utilizing production technologies, techniques, methods and materials require the application and enforcement of uniform building codes and installation standards within this State; ~~and~~

**Sec. 2. 10 MRSA §9001, sub-§1, ¶D,** as enacted by PL 1993, c. 642, §8, is amended to read:

D. Manufactured housing may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured because vital parts such as heating, plumbing and electrical systems are concealed and defects may not be readily ascertainable when inspected by a purchaser. Accordingly, it is the policy and purpose of this State to provide protection to the public against those possible hazards; ~~and~~

**Sec. 3. 10 MRSA §9001, sub-§1, ¶E** is enacted to read:

E. As a valued and important component of the housing industry in this State, manufactured housing is recognized as residential property, whether it is real property or personal property, notwithstanding the requirements of Title 29-A.

**Sec. 4. 29-A MRSA §101, sub-§32-B** is enacted to read:

**32-B. Manufactured housing.** "Manufactured housing" means a structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. "Manufactured housing" includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is used for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. Three types of manufactured housing are included. They are:

A. Units constructed after June 15, 1976 that the manufacturer certifies are constructed in compli-

ance with the code adopted by the United States Department of Housing and Urban Development and that are structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems within the units; except that "manufactured housing" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code, Section 5401 et seq.;

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's laws and rules governing manufactured housing, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units; and

C. Units constructed prior to June 15, 1976 that are structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units.

**Sec. 5. 29-A MRSA §101, sub-§35**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**35. Mobile home.** "Mobile home" ~~means a structure, transportable in one or more sections, that has the same meaning as "manufactured housing" as defined in subsection 32-B, paragraphs A and C.~~

A. Is 8 feet or more in width and 32 feet or more in length;

B. Is built on a permanent chassis;

~~C. Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and~~

~~D. Includes internal plumbing, heating or air conditioning and electrical systems.~~

~~The term "mobile home" includes a mobile home when used: for the advertising, sale, display or promotion of merchandise or services; for a commercial purpose, except the transportation of property; or as public school facilities.~~

**Sec. 6. 29-A MRSA §651, sub-§6** is enacted to read:

**6. Manufactured housing.** Beginning January 1, 2007, the Secretary of State shall issue certificates of title for new single-unit manufactured housing beginning with model year 2007. Beginning January 1, 2007, the Secretary of State shall issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title.

**Sec. 7. 29-A MRSA §652, sub-§9**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

**9. Manufactured housing.** Manufactured housing that is:

A. Sold before January 1, 2007;

B. Model year 2006 or older;

C. Multisectional;

D. Defined in section 101, subsection 32-B, paragraph B; or

E. Permanently affixed to real property within 30 days of the date of sale.

**Sec. 8. 29-A MRSA §654, sub-§5** is enacted to read:

**5. Manufactured housing.** The following provisions govern applications for a certificate of title for manufactured housing.

A. An application for new single-unit manufactured housing must be submitted to the Secretary of State by the retail seller. If the manufactured housing is purchased new out of state, the application must be submitted by the lienholder or the owner. The application must be accompanied by the manufacturer's certificate of origin.

B. An application for used single-unit manufactured housing must be submitted by the retail seller. In the absence of a retail seller located in

this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by the previous State of Maine certificate of title.

**Sec. 9. 29-A MRSA §667, sub-§7** is enacted to read:

**7. Exemption.** Certificates of title issued for manufactured housing are exempt from this section.

**Sec. 10. 29-A MRSA §669** is enacted to read:

**§669. Cancellation of certificate of title to manufactured housing**

**1. Real property transactions.** This section governs cancellation of a certificate of title to manufactured housing by the owner of the manufactured housing when the manufactured housing becomes affixed to real property owned by the owner of the manufactured housing.

**2. Cancellation.** A certificate of title to manufactured housing may be cancelled by the Secretary of State if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

A. The original certificate of title to the manufactured housing;

B. A description of the manufactured housing, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section;

C. The legal description of the real property; and

D. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured housing and that the manufactured housing is permanently affixed to the real property in accordance with state law.

**3. Recording.** The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

**4. Request for cancellation.** An owner of manufactured housing shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. The

Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing requesting cancellation of the certificate of title, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

**5. Liens.** For purposes of perfection, realization and foreclosure of security interests, if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing does not exist, and the manufactured housing may be secured only as part of the real property through a mortgage under Title 33.

**6. Applicability.** This section applies to manufactured housing required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing pursuant to this section.

**7. Taxation not affected.** Nothing in this section may be construed to affect the taxation of manufactured housing.

**8. No change to common law.** Nothing in this section may be construed to modify or change existing common law.

**Sec. 11. 29-A MRSA §705, sub-§3**, as amended by PL 2003, c. 295, §1, is further amended to read:

**3. Assumed release of lien.** The Except for liens on manufactured housing, the Secretary of State, at the Secretary of State's discretion, may assume that any lien with a lien date more than 66 months old has been satisfied as provided in this subsection. The Secretary of State shall provide notice to the lienholder by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail. The notice must identify the vehicle by year, make, model and vehicle identification number and must include the date of the lien and the name of the owner as of the date of the lien.

**Sec. 12. 29-A MRSA §708** is enacted to read:

**§708. Manufactured housing**

This subchapter applies to perfection of security interests in manufactured housing that is not permanently affixed to real property.

**Sec. 13. Effective date.** This Act takes effect October 1, 2007.

Effective October 1, 2007.

---



---

## CHAPTER 679

S.P. 864 - L.D. 2119

### An Act To Comply with the Federal Commercial Motor Vehicle Safety Act of 1986

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

**Sec. 1. 29-A MRSA §555, sub-§2,** as amended by PL 1999, c. 183, §§2 and 3, is further amended to read:

**2. Adoption of federal regulations.** The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, ~~383~~, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. The Maine Administrative Procedure Act does not apply to the adoption by reference of federal regulations under this subsection.

C. For every rule adopted under this subsection:

- (1) The bureau shall file with the Secretary of State:
  - (a) A certified copy of the rule;
  - (b) A published copy of the federal regulation or amendment as printed in the Federal Register; and
  - (c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation ~~;~~ ~~and~~.

The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;

- (2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and

- (3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained;

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of these rules and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments; ~~and~~.

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

**Sec. 2. 29-A MRSA §1252, sub-§1, ¶C,** as amended by PL 2001, c. 486, §2, is further amended to read:

C. A Class C license may be issued for the operation of a single vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005);
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate military vehicles, including National Guard vehicles, for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);
- (4) A person to operate registered farm motor trucks bearing the letter "F" on the