

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

**CHAPTER 127
H.P. 487 - L.D. 657**

**An Act To Permit Disposal of
Abandoned Manufactured
Housing**

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

Whereas, legislation enacted last year inadvertently repealed the statutory process governing the disposal of abandoned manufactured housing or mobile homes; and

Whereas, this legislation provides mobile home park owners and operators a process for disposing of abandoned manufactured housing or mobile homes, including modular homes located on leased land; and

Whereas, immediate enactment is necessary to allow mobile home park owners and operators the ability to dispose of currently abandoned manufactured housing or mobile homes; 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 legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §9097, sub-§1-B is enacted to read:

1-B. Abandoned mobile home or manufactured housing. Manufactured housing that is abandoned or unclaimed by a tenant following the tenant's eviction in accordance with this section and section 9097-B must be disposed of by a mobile home park owner or operator as follows. For purposes of this subsection, "manufactured housing" includes all housing described in section 9002, subsection 7 located in a land lease community or mobile home park.

A. After a mobile home park owner or operator obtains a judgment for forcible entry and detainer, the mobile home park owner or operator shall send written notice by first-class mail, with proof of mailing, to the last known address of the tenant with a copy to the lienholder, if known. The notice must set forth the mobile home park owner's or operator's intent to dispose of the manufactured housing. The notice must advise the tenant and lienholder, if known, that if the tenant or lienholder does not respond to the notice within 14 calendar days the mobile home park owner or operator may dispose of the property as set forth in

this subsection. If the tenant or lienholder does respond to the notice, the tenant or lienholder shall take possession of the property within 21 calendar days. Subsection 2-B applies with respect to the rights and responsibilities of the lienholder.

B. If a tenant or lienholder claims ownership of the manufactured housing within 14 calendar days after the notice under paragraph A is sent, the tenant or lienholder shall take possession of the property within 21 calendar days of claiming ownership. If the tenant or lienholder timely claims the property but is not able to move the property within 21 days due to weather or posted road conditions, the mobile home park owner or operator shall allow the tenant or lienholder to remove the property after the 21-day period but the mobile home park owner or operator may charge for any additional costs incurred as a result of the delay.

C. If a tenant or lienholder does not claim ownership of the property within 14 calendar days after the notice under paragraph A is sent or fails to take possession of the property after claiming ownership pursuant to paragraph B, the mobile home park owner or operator may take one or more of the following actions:

- (1) Condition the release of the property to the tenant or lienholder upon payment of all rental arrearages, damages, costs of legal fees and costs of storage;
- (2) Sell any property for a reasonable fair market price and apply all proceeds to rental arrearages, damages, costs of storage, marketing expenses, legal fees and outstanding taxes. Any balance must be sent to the tenant's or lienholder's last known mailing address and, if returned to the sender, the balance must be forwarded to the Treasurer of State; and
- (3) Dispose of any property that has no reasonable fair market value.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 23, 2011.

CHAPTER 128

H.P. 421 - L.D. 538

**An Act To Assist the
Commercial Fishing Safety
Council**

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

Sec. 1. 12 MRSA §6034, sub-§1, as amended by PL 2009, c. 369, Pt. A, §25, is further amended to read:

1. Appointment; composition. The Commercial Fishing Safety Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-E, consists of ~~46~~ 9 members; ~~15 of whom are~~ appointed by the commissioner as follows:

- A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council;
- ~~B. One member who is a license holder under this Part and a member of the Marine Resources Advisory Council, recommended by the chair of the Marine Resources Advisory Council;~~
- C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council or the Scallop Advisory Council, recommended by the chair of the Sea Urchin Zone Council or the Scallop Advisory Council;
- D. ~~Five~~ Three members who are license holders under this Part and who represent commercial marine harvesting activities;
- E. An educator experienced in community-based adult education and volunteer safety training or an expert in fishing industry risk analysis and occupational health;
- ~~F. An expert in fishing industry risk analysis and occupational health;~~
- G. An expert in marine safety equipment;
- H. A representative of the marine insurance industry;
- I. A marine surveyor;
- J. A spouse or domestic partner of a license holder under this Part; and
- K. A member of the public.

~~The chair of the Marine Resources Advisory Council is an ex officio member of the council.~~ The composition of the council must reflect a geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.

Sec. 2. 12 MRSA §6034, sub-§2, as enacted by PL 2003, c. 90, §2, is amended to read:

2. Term. The term of an appointed member is 3 years, except a vacancy of a member before the expiration of the member's term must be filled in the same manner as the original member for the unexpired portion of the member's term. ~~An appointed member may not serve more than 2 consecutive terms.~~

See title page for effective date.

CHAPTER 129

H.P. 471 - L.D. 641

An Act To Allow a Portion of Snowmobile Registration Fees To Be Used for the Repair of Trail-grooming Equipment

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

Sec. 1. 12 MRSA §13104, sub-§4, as amended by PL 2009, c. 213, Pt. OO, §20 and c. 226, §1, is repealed and the following enacted in its place:

4. Fee. Except as provided in subsection 5, the annual snowmobile registration fee is as follows:

- A. For residents, \$40. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and
- B. For nonresidents:
 - (1) Forty-three dollars for a 3-consecutive-day registration. A person may purchase more than one 3-day registration in any season; and
 - (2) Eighty-eight dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Five dollars from each registration fee collected pursuant to this subsection must be transferred to a special fund administered by the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Conservation. The funds must be used to assist any entity that has a snowmobile trail grooming contract with the bureau in the purchase of trail-grooming equipment. The funds also may be used for the repair or overhaul of trail-grooming equipment.

Seven dollars from each resident snowmobile registration fee must be transferred to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

See title page for effective date.
