

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REPORT OF
THE REVIEW COMMITTEE
ON
MANUFACTURED HOUSING

December 1980

Review Committee Chairman:

Representative J. P. Normand LaPlante
House Chairman
Joint Standing Committee on Local and County Government

Members:

Senator Jerome A. Emerson
Senate Chairman
Joint Standing Committee on Local and County Government

Rep. Lloyd G. Drinkwater, Member
Joint Standing Committee on Local and County Government

David B. Bicknell, President
Manufactured Housing Association and
Institute for the North East
Industry representative

John Melrose, Director
State and Federal Relations
Maine Municipal Association
Municipal representative

Representative Eugene Paradis, Member
Joint Standing Committee on Local and County Government
Alternate for Senator Emerson

Legislative Assistant:
Haven Whiteside

SENATE

JEROME A. EMERSON, DISTRICT 24, CHAIRMAN
ANDREW J. REDMOND, DISTRICT 17
ALBERT E. COTE, DISTRICT 13

DONNA G. TRACY, COMMITTEE CLERK



HOUSE

J. P. NORMAND LAPLANTE, SABATTUS, CHAIRMAN
EDWARD A. MCHENRY, MADAWASKA
LUCIEN A. OUTREMBLE, BIDDEFORD
NORMAN W. NELSON, ROQUE BLUFFS
LLOYD G. DRINKWATER, BELFAST
COURTNEY E. STOVER, WEST BATH
JAMES K. MCMAHON, KENNEBUNK
MEREDITH E. BORDEAUX, MOUNT DESERT
ALBERTA M. WENTWORTH, WELLS
EUGENE J. PARADIS, OLD TOWN

STATE OF MAINE

ONE HUNDRED AND NINTH LEGISLATURE

LOCAL AND COUNTY GOVERNMENT


February 2, 1981

Rep. Elizabeth H. Mitchell
Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Rep. Mitchell:

Enclosed for your information is the final report of the Review Committee on Manufactured Housing, established by the 109th Legislature. We hope you will find it valuable.

Sincerely yours,


Rep. J. P. Normand LaPlante
Review Committee Chairman

SENATE

JEROME A. EMERSON, DISTRICT 24, CHAIRMAN
ANDREW J. REDMOND, DISTRICT 17
ALBERT E. COTE, DISTRICT 13

DONNA B. TRACY, COMMITTEE CLERK



HOUSE

J. P. NORMAND LAPLANTE, SABATTUS, CHAIRMAN
EDWARD A. MCHENRY, MADAWASKA
LUCIEN A. DUTREMBLE, BIDDEFORD
NORMAN W. NELSON, ROQUE BLUFFS
LLOYD G. DRINKWATER, BELFAST
COURTNEY E. STOVER, WEST BATH
JAMES K. MCMAHON, KENNEBUNK
MEREDITH E. BORDEAUX, MOUNT DESERT
ALBERTA M. WENTWORTH, WELLS
EUGENE J. PARADIS, OLD TOWN

STATE OF MAINE

ONE HUNDRED AND NINTH LEGISLATURE


LOCAL AND COUNTY GOVERNMENT

Joint Standing Committee
on Local and County Government
110th Legislature

Dear Colleagues:

Enclosed is the final report of the Review Committee on
Manufactured Housing, established by the 109th Legislature.
We hope that you will find it useful in your deliberations.

Sincerely,


Rep. J.P. Normand Laplante
Chairman, Review Committee
on Manufactured Housing

HW/lk
Enc.

EXECUTIVE SUMMARY

Report of the Review Committee on Manufactured Housing

December, 1980

The Review Committee on Manufactured Housing was established by the 109th Legislature to study current practices, including exclusionary ordinances, relating to siting of manufactured housing (mobile homes and modular homes), and to report to the 110th Legislature their findings, and any recommendations which could lead to more equitable treatment of manufactured housing. The study order is attached.

Findings

The Review Committee found:

- Less than half the municipalities have any requirement on manufactured housing, and about 1/3 of those have restrictions which appear minimal.
- The remaining 120 municipalities have restrictive ordinances. Some of these may be reasonable, but others have an exclusionary effect that may not be justified by public health, safety, or general welfare considerations. The following types of ordinances are of concern:
 - (a) Total exclusion of manufactured housing;
 - (b) Restriction of manufactured housing to mobile home parks, sometimes with no provision for parks;
 - (c) Exclusion of manufactured housing from some zoning districts where site-built single family homes are permitted; and
 - (d) Requirements that are unique to manufactured housing, and not applied to site-built homes, such as: floor area, set-back, or special permit requirements.
- Actual siting of manufactured housing varies greatly. The statewide average is 37.7 manufactured homes per thousand population, but individual municipalities vary from 0.1 to over 200 mobile homes per thousand.
- Manufactured housing has been built to State or Federal standards since 1974-75, with the result that the quality of modern units is far superior to many older units, and to some site built homes.
- The case law on manufactured housing is still developing, and two important cases will be decided by the Maine Law Court in 1981. However, it is becoming clear that total exclusion violates the constitutional requirement of equal protection, and that police ordinances which do not bear a rational relationship to public health, safety, or welfare goals are unlikely to withstand court challenge.

- Municipal officials may not be aware of recent trends in manufactured housing construction, and in related laws and regulations.
- Municipal Land Use control ordinances are often not readily available to local citizens.
- There is widespread confusion over the terms: manufactured housing, mobile home, modular home, and trailer.

Recommendations

It is recommended that:

- (1) All municipalities with manufactured housing restrictions should be notified of the concerns of the Review Committee and requested to reexamine and, if necessary revise their ordinances, especially items (a)-(d) listed above, to assure consistency with Maine law. All municipalities should be sent the Executive Summary of the Review Committee report.
- (2) The State Planning Office, with the assistance of certain other agencies and organizations, should conduct an educational program on manufactured housing.
- (3) The Joint Standing Committee on Local & County Government should monitor and review during 1981, the progress of municipal ordinances, and if necessary introduce legislation on siting of manufactured housing, in the Second Regular Session of the 110th Legislature.
- (4) Municipalities should be required to have their ordinances, and copies of them, readily available to the public.
- (5) The statutory definition of 'mobile home' should be revised to use the new federal definition of 'manufactured home.'

The report proposes two letters to implement the first recommendation and a Resolve and two Bills to implement the other four recommendations.

TABLE OF CONTENTS

	<u>Page</u>
I Purpose and Procedure of the Study-----	1
II Findings-----	4
III Recommendations-----	11
Appendix A. Study Order: (1980 Resolves, Chapter 54) ---	
Appendix B. Report by Department of Business Regulation on Current Practices Relating to Siting of Manu- factured Housing----- (introduction and edited executive summary)*	
Appendix C. List of witnesses and written testimony from Public Hearing, December 11 -----	
Appendix D. Municipalities which Restrict Mobile Homes to Mobile Home Parks-----	
Appendix E. Mobile Homes & Ordinances in Municipalities (with Table for those over 1,000 Population)-----	
Appendix F. Follow-up Letters to Municipalities-----	
Appendix G. Proposed Legislation -----	

* The full report excerpted in Appendix B. is available from
Manufactured Housing Study, State House Station 35,
Augusta, Maine 04333.

I PURPOSE AND PROCEDURE OF STUDY

During the Second Regular Session of the 109th Legislature, the Joint Standing Committee on Local and County Government received testimony on L.D. 1758, "An Act to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances," indicating the existence of exclusionary ordinances pertaining to manufactured housing. The extent of this problem of the unreasonable exercise of municipal zoning was not made clear. The 109th Legislature formed a Review Committee on Manufactured Housing to study current practices relating to Siting of manufactured housing. They were to report to the Joint Standing Committee on Local and County Government of the 110th Legislature their conclusions and any recommendations which could lead to more equitable treatment of manufactured housing. Manufactured housing consists of mobile homes and modular homes.

The Resolve ordering the Study, 1980 Resolves ch. 54, (see Appendix A) required the Department of Business Regulation, with the Assistance of the State Planning Office, to do a fact finding study to provide a starting point for the Review Committee's deliberations. That study was conducted under the general direction of the Review Committee and was completed on September 1 (see Appendix B).

The Review Committee staff met on May 6 to organize and to approve a schedule and work plan for the study by the Department of Business Regulation. At that time it was agreed to send out a survey letter and questionnaire to the municipalities.

The second meeting, on July 22 assessed the midsummer progress of the study and provided an opportunity to tour the manufacturing facilities of Burlington Homes and Oxford Homes. It was agreed that appropriate parts of the study report would be circulated to the municipalities for validation before final printing.

The third meeting, on October 7 received an official presentation of the study report from the Department of Business Regulation and the State Planning Office, and accepted that report as a working document. The report contains detailed statistics on municipal ordinances relating to mobile homes and on mobile home placements, as well as a legal analysis of relevant court cases and a list of possible actions for the Review Committee to consider. Excerpts are included in Appendices B, D and E.

On December 11th, the Review Committee held a public hearing on the study, to determine what would constitute unacceptable discriminatory practices, the extent to which they exist, and appropriate remedies. Testimony was received from 18 witnesses, and 13 others submitted written testimony. There were several examples of apparently unjustified discrimination presented, as well as several pleas for equal treatment for mobile and modular homes. These were primarily focussed on placement of mobile homes on single lots, rather than in mobile home parks. There were also several presentations explaining the process of planning and ordinance development in certain municipalities and defending the need for and integrity of that process.

The fifth meeting, on December 17th, discussed the study and the public hearing, and acted on conclusions and recommenda-

tions for the Review Committee's report. The draft report was then circulated to all members of the Review Committee prior to its final printing.

The progress of the study was enhanced by the cooperation of Gordon Weil, Commissioner of Business Regulation and Allen Pease, Director of the State Planning Office, and was in large measure dependent on the work of the following individuals:

Municipal Mobile Home Requirements - Rich Rothe, Senior Planner
Alan Goodwin, Supervisor,
General Planning Assistance
Division, State Planning
Office

Current Law and Court Cases - Martha E. Freeman,
Esq.

Statistical Information and Trends - David F. Preble, Exec.
Dir., Manufactured
Housing Board

Finally, the Review Committee gratefully acknowledges the enthusiasm and willing participation of all the municipalities that contributed to the study. Over 75% of all municipalities with a population of over 1000 responded to the study committee's request for information.

II FINDINGS

There commonly appears to be confusion over definitions, which contributes to the problems identified. Therefore, for the purposes of this section, the term "manufactured housing" includes mobile homes which are certified by the U. S. Department of Housing and Urban Development, as of June 11, 1976, or by the Maine State Housing Authority as of September 1, 1974, and modular homes which are certified by the State of Maine as of February 1, 1975. "Trailers" are not included in any of these categories, nor are they discussed here. Further, it is recognized that there may be significant differences between pre-certification mobile and modular homes and manufactured housing, as defined above.

MUNICIPAL RESTRICTIONS

The Review Committee finds that a number of municipalities have enacted ordinances which restrict the siting of manufactured housing. While some of these restrictions may be reasonable, and may be proper subjects of local regulation, other restrictions have an exclusionary effect on manufactured housing that may not be justified by public health, safety or general welfare considerations. The Review Committee is concerned about the latter types of restrictions, and at the same time realizes that it is difficult to pass judgment on the reasonableness of some of these restrictions without inquiring about local conditions such as land availability, availability of public services, historic districts and housing needs. Furthermore, in many cases,

municipal officials may not be aware of recent developments in manufactured housing construction and in the laws and regulations that apply to it. This suggests the value of an educational program. The types of restrictions that would appear to warrant further inquiry include the following:

- (a) Restrictions which result in total exclusion of manufactured housing.

At least one Maine community has enacted an ordinance prohibiting the location of manufactured housing anywhere in the municipality, although there are existing mobile homes located there. The net effect of this requirement is to totally exclude new manufactured housing from that community.

- (b) Ordinances which restrict manufactured housing to mobile home parks but do not provide for parks.

Several municipalities have enacted ordinances which restrict mobile homes to mobile home parks. These ordinances then fail to provide for mobile home parks anywhere in the municipality, or only allow them in very small areas. The net effect is to totally exclude manufactured housing from the municipality.

(c) Restriction to parks.

A number of municipalities have enacted ordinances which restrict mobile homes (and presumably, other types of manufactured housing) to mobile home parks. The Review Committee is concerned that such restrictions on their face do not appear to be reasonably related to public health, safety or welfare goals, but the Review Committee is open-minded and believes that it would be useful to receive information from any municipalities where local conditions warrant such a linkage.

(d) Restriction to certain zoning districts.

A number of municipalities prohibit the location of mobile homes or parks from certain zoning districts in which the siting of conventional housing (and, in some cases, modular housing) is allowed. Such exclusion may or may not be justified.

(e) Requirements which are unique to manufactured housing.

A number of municipalities have enacted ordinances with restrictions that apply to manufactured housing but not to other types of dwellings. Examples of such restrictions include the following:

- ordinances which require that the siting of manufactured housing, but not conventional dwellings, comply with procedures such as a special exception review or special permits issued from a local official or officials, when such restrictions are enacted for more than mere notification purposes.

- ordinances which contain floor area requirements that apply to manufactured housing, but not other types of dwellings.
- ordinances which contain setback requirements that apply to manufactured housing, but not other types of dwellings.

(f) Other items.

A number of municipalities have minimum lot size requirements, some of them relatively large. Similarly some municipalities have floor area requirements that are a little larger than typical mobile home sizes. However, in each case these requirements are applied equally to manufactured and site-built housing. These requirements discourage mobile home placement somewhat, but they must be judged on their own merits.

Some members of the Review Committee expressed concern about dual regulation of mobile home parks, by both the State under 22 MRSA §2491ff and by municipalities. Further legal analysis is necessary before a definite statement can be made on the legitimacy of this practice.

Some municipalities ban mobile home parks, but allow mobile homes on the same basis as site-built single-family homes. The Review Committee found that this practice raised different issues than those considered here, for example the whole question of high density and multiple-unit housing. Therefore, this study did not pursue this question further.

(g) Some Municipalities Have Minimal or No Restrictions.

While the Review Committee is concerned about the types of

restrictions listed above, it should be noted that over half of the municipalities (199 out of 380) that responded to the survey have no requirements related to manufactured housing. A follow-up survey of the 71 municipalities that did not respond identified 40 more with no requirements and 7 with requirements. The restrictions in about 1/3 of the municipalities which have restrictions appear to be minimal.

PUBLIC HEARING

On December 11, the Review Committee held a public hearing on the staff report on current practices relating to the siting of manufactured housing. As a result of testimony received at the public hearing, the Review Committee has determined that restrictions which prevent individuals from locating manufactured housing in a large number of municipalities seem serious enough to warrant State attention on a continuing basis.

REVIEW COMMITTEE VISIT TO MANUFACTURING FACILITIES

The Review Committee toured the manufacturing facilities of Burlington Homes and Oxford Homes in Oxford, Maine. The tour showed that manufactured housing is being built to detailed federal and/or state specifications, with the result that the manufactured home that is being built today is far superior in quality to the units which were constructed prior to the establishment of these government standards. Certification of mobile homes was implemented by the Maine State Housing Authority on September 1, 1974. On June 15, 1976, that was preempted by a mandatory federal structural standard promulgated by the federal Department of Housing and Urban Development. Certification of modular homes was implemented by the State on February 1, 1975, using the BOCA (Building Officials Conference of America) Code.

As a result of the tour, the Review Committee noted that: 1) while manufactured housing is being built to detailed standards, the construction of site-built homes in many towns is totally unregulated by a local building code, with the result that many site-built dwellings built today may not meet the same quality standards as a manufactured home; and 2) many municipal ordinances which restrict manufactured housing were probably written at a time when the so-called trailer of poor quality construction was being built. Therefore, restrictions which may have been justified 10 years ago may no longer be reasonable as they apply to the units being built today.

MOBILE HOME STATISTICS

According to the statistics provided to the Review Committee, actual siting of manufactured homes varies greatly among municipalities. Statewide, the average is 37.7 mobile homes per thousand population. Some municipalities have none, and those above 20,000 population range up to 21 mobile homes per thousand, municipalities between 6,000 and 2,000 population range up to 90 mobile homes per thousand, municipalities between 1,000 and 6,000 population range up to 223 mobile homes per thousand, and municipalities with fewer than 1,000 population range up to 384 mobile homes per thousand. The details are presented in Appendix E.

COURT DECISIONS

From recent court decisions, the Review Committee noted that a number of courts have determined that total exclusion of manufactured housing violates the equal protection clauses of

federal and state constitutions. Furthermore, some types of restrictions on manufactured homes other than total exclusion have been successfully challenged in Maine courts. For example, in some cases, restrictive ordinances based on the police power were overturned because they were not shown to bear a rational relationship to public health, safety, or welfare goals. Further, there is reason to believe that aesthetic considerations alone are insufficient to justify restrictive zoning ordinances, except in special cases such as historic districts. However, Maine case law is not very extensive, and it does not offer municipalities a detailed guide as to what types of restrictions are reasonable and what types are not. Maine case law on the subject of manufactured housing will undoubtedly continue to be developed, particularly since manufactured housing is a growing option, and perhaps the only option, for many Maine people seeking to own their own home. Therefore, it seems that, in the next several years, the question of what is reasonable and what is impermissibly exclusionary will be addressed by the courts, at least on a town-by-town, case-by-case basis. The Review Committee feels that the time frame for developing a body of case law on the subject of manufactured housing will be long. The alternatives to court action for resolving the manufactured housing controversy include locally inspired revisions in ordinances, state mandated revisions in ordinances or outright pre-emption of ordinance powers.

While a number of municipal officials have suggested that the courts are the proper forum for dealing with unreasonable municipal restrictions, the Committee notes that most people who wish to live in a manufactured home cannot afford the time and

expense of taking court action to challenge such ordinances. Further, in this time of tight governmental finances, few municipalities can easily afford litigation.

RELATED CONCERNS

The Review Committee has found several problems that are indirectly related to the issues discussed above. These include the following:

(a) Filing of Land Use Control Ordinances.

Title 33 MRSA Section 662-A requires that municipalities file a copy of their land use control ordinances with the Registry of Deeds in the County in which they are located. In order to determine whether such ordinances would be readily available to citizens, the Review Committee directed the staff to see how many of the 41 ordinances it had collected for Kennebec County were on file in the Kennebec County Registry of Deeds. The subsequent visit to the Registry revealed that only 10 of the 41 ordinances have been filed. The Review Committee has concluded that Section 662-A is not working very well, and is not an effective technique for citizens to find out about local ordinances.

(b) Definition of terms.

The Review Committee found that there is widespread confusion over the proliferation of terms which describe housing units that are made in a factory as opposed to being built on site. For example, most people do not realize that HUD-certified mobile homes are virtually identical in appearance

to State-certified modular homes. This leads to the curious situation, in at least three municipalities, where mobile homes are restricted, but single-width modular homes are permitted in all single family zones.

Many local ordinances contain a variety of definitions for units which are factory-built. Moreover, the Maine Statutes, in at least 7 places, define or refer to mobile homes (10 MRSA §1402; 22 MRSA §2491; 29 MRSA §1; 30 MRSA §4061; 30 MRSA §4773; and 36 MRSA §1481). Finally, the Federal Housing and Community Development Act of 1980 contains a new definition of "manufactured home" which will replace the present definition of "mobile home" throughout the National Mobile Home Construction and Safety Standards Act.

III. RECOMMENDATIONS

1. It is recommended that:

Every municipality be sent a copy of the Executive Summary of the Review Committee report; and

All municipalities with manufactured housing restrictions be notified of the findings of the Review Committee and requested to reexamine and, if necessary, revise their ordinances to assure consistency with case law and Maine statutes. Municipal attention should be directed to the following areas of concern:

- a) Restrictions which result in total exclusion of manufactured housing;
- b) Restrictions which limit manufactured housing to mobile home parks but do not by ordinance provide for the siting of parks;

- c) Restrictions which limit siting to parks only and lack a relationship to the protection of public health, safety or welfare;
- d) Restrictions which prevent the siting of manufactured homes in zones that allow conventional single family housing if such restrictions have no relationship to protecting the public health, safety or welfare;
- e) Requirements for special exception reviews in siting manufactured housing not required in siting conventional housing and not related to simple notification or the protection of the public health, safety or welfare;
- f) Restrictions which establish minimum floor space requirements that apply to manufactured housing but not other types of dwellings; and
- g) Restrictions which establish setback requirements that apply to manufactured housing but not other types of dwellings.

2. It is recommended that:

The Legislature enact a resolve, directing the State Planning Office with the assistance of the Manufactured Housing Board, and the Division of Health Engineering to conduct an educational program for municipalities, providing them with information on case law and statutes pertaining to manufactured housing as well as the results of this study, and the Maine Municipal Association and the Manufactured Housing Association and Institute for the Northeast be invited to participate in this program.

3. It is recommended that:

The Legislature enact a Resolve, directing the Joint Standing Committee on Local and County Government to monitor the progress of municipal ordinances on manufactured housing, and, in December, 1981, to reconsider the necessity for state legislation addressing local ordinance powers over the siting of manufactured housing, and if necessary, to introduce appropriate legislation for consideration by the second regular session of the 110th Legislature.

4. It is recommended that:

- a) Title 33, MRSA §662-A which requires filing municipal land control ordinances in the registry of deeds, be repealed.
- b) Title 30, MRSA §2153, Ordinance Enactment procedure, be amended to require the town clerk, or another individual designated by ordinance, to have the municipality's ordinance on file and make copies available, at reasonable cost, at the expense of the person making the request. (This is similar to the requirement of 22 MRSA §4504 for general assistance ordinances.)

5. It is recommended that:

- a) The Maine Statutes be revised to use the new federal definition of "manufactured home" in place of the present definition of "mobile home."
- b) 30 MRSA §2151 (4) (A) be revised to make clear that municipal regulation of sanitation and parking facilities for trailers does not include regulation of mobile homes.

NOTE ADDED IN PROOF: Since the Review Committee took final action on the report, some confusion has arisen at the federal level over the definition of manufactured housing. The Members of the Review Committee therefore recommend that the Committee on Local and County Government review the bill with this in mind when it is referred.

APR 1 '80

BY GOVERNOR

STATE OF MAINE

H. P. 1988 — L. D. 2021

RESOLVE, Authorizing and Directing the Department of Business Regulation to Study and Report on Current Practices Relating to Siting of 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, safe and suitable housing is both a need and a right of individual Maine citizens and families; and

Whereas, manufactured housing, including modular housing and mobile homes, has and will increase the available supply of housing at affordable prices; and

Whereas, there has been some discrimination against manufactured housing, although it is not clear how widespread the discrimination is nor what the appropriate solution may be; and

Whereas, an adequate study of this situation will take 4 to 6 months and it must be started soon if the results are to be available at the start of the 110th Legislature; 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

Manufactured housing; study. Resolved: That the Department of Business Regulation, through the Manufactured Housing Board, and with the assistance of the State Planning Office, is directed to conduct a study and report to the Joint Standing Committee on Local and County Government by September 1, 1980, on current regulatory practices in the various localities within the State relating to manufactured housing, including modular homes, mobile homes on single lots and mobile home parks.

In conducting the study, the board is directed to seek the cooperation and assistance of the Maine Municipal Association, (MMA), the Manufactured Housing Association and Institute for the North East (M.H.A.I.N.E.) and other agencies or organizations with expertise on the subject.

The study shall be confined to fact-finding and data analysis. Conclusions and recommendations will be left to the review committee, established by this resolve. The purpose of the study is to gather, compile and analyze relevant information, especially in the following areas:

1. Current zoning ordinances, mobile home ordinances, building code requirements, subdivision regulations and other requirements in the various towns with respect to manufactured housing;

2. Current law in Maine, including constitutional requirements, Supreme Court cases and, to the extent they are readily available, Superior Court cases;

3. Statistical information, including recent trends and locations of new modular homes, mobile homes and mobile home parks; and

4. Alternative methods for achieving compliance with present judicial standards, including, but not limited to, educational programs, litigation, legislation and financial incentives; and be it further

Review committee established. Resolved: That a Review Committee on Manufactured Housing be established, with membership to be appointed as follows: The Senate and House chairmen of the Joint Standing Committee on Local and County Government, or their designees, and one other member of that committee to be appointed by them; a municipal representative, to be appointed by the President of the Senate and a representative of the manufactured housing industry, to be appointed by the Speaker of the House of Representatives. The agencies and organizations performing the study and the Office of Legislative Assistants shall serve as staff for the review committee.

The Review Committee on Manufactured Housing shall:

1. Approve the detailed work plan for the study;
2. Conduct general oversight of the study;
3. Conduct a public hearing on the study;
4. Examine the findings of the study in the light of testimony received at the hearing; and
5. Report, by January 1, 1981, their conclusions and recommendations to the Joint Standing Committee on Local and County Government. That report may include a model ordinance relating to modular and mobile homes and other recommendations which could lead to more equitable treatment of manufactured housing; and be it further

Expenses. Resolved: That the members of the review committee shall receive per diem and expenses on the same basis as any joint standing committee of the Legislature, in relation to each meeting attended; and be it further

Allocation. Resolved: That \$800 be allocated from the Legislative Account for the per diem and expenses of the review committee.

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

EXECUTIVE SUMMARY OF THE
**REPORT ON CURRENT
PRACTICES RELATING TO SITING
OF MANUFACTURED HOUSING**

September 1, 1980

BY

*Department of Business Regulation
Manufactured Housing Board
State House
Augusta Maine*

TÓ

Review Committee on Manufactured Housing

*Rep. J. P. Normand LaPlante
Chairman*

TABLE OF CONTENTS

Executive Summary.....	i
------------------------	---

SECTION A MUNICIPAL MOBILE HOME REQUIREMENTS

Municipal Mobile Home Requirements - Introduction	A-1
Requirements for Single Mobile Homes.....	A-8
<u>Table 1.</u> Municipalities Which Restrict Mobile Homes to Mobile Home Parks.....	A-8
<u>Table 2.</u> Municipalities That Limit Mobile Homes to Some Districts.....	A-9
<u>Table 3.</u> Floor Area Requirements for Mobile Homes.....	A-10
<u>Table 4.</u> Municipalities Which Review Individual Mobile Homes as Special Exceptions.....	A-11
<u>Table 5.</u> Unique Provisions.....	A-12
Requirements for Mobile Home Parks.....	A-13
<u>Table 6.</u> Municipalities That Prohibit Mobile Home Parks.....	A-13
<u>Table 7.</u> Municipalities That Do Not Provide For Mobile Home Parks In The Local Zoning Ordinance.....	A-13
<u>Table 8.</u> Municipalities That Limit Parks To Some Zones.....	A-14
<u>Table 9.</u> Municipalities Which Review Mobile Home Parks As Special Exceptions.....	A-16
<u>Table 10.</u> Lot Sizes Required For Parks In Square Feet.....	A-18
<u>Table 10-A.</u> Range in Size of Lots For Mobile Home Parks.....	A-20
<u>Table 11.</u> Park Setback Requirements.....	A-21
Other Tables.....	A-23
<u>Table 12.</u> Municipal Summary of Mobile Home Requirements.....	A-23
<u>Table 13.</u> Municipalities Which Do Not Appear To Have Any Of The Mobile Home Requirements Appearing In The Previous Tables.....	A-34
<u>Table 14.</u> Municipalities Which Did Not Respond To Survey Request Or Which Did Not Send In All Relevant Ordinances.....	A-35

SECTION B CURRENT LAW AND COURT CASES

Introduction.....	B-1
Supreme Court Cases.....	B-2
<u>Wright vs. Michaud.....</u>	B-1
<u>Town of Windham vs. Sprague.....</u>	B-2
<u>Town of Windham vs. Lapointe.....</u>	B-2
<u>City of Saco vs. Tweedie.....</u>	B-3
<u>Begin vs. Inhabitants of the Town of Sabattus.....</u>	B-3
Superior Court Cases.....	B-4
<u>Grondin vs. Inhabitants of Eliot.....</u>	B-4
<u>Leighton vs. Town of Durham.....</u>	B-5
<u>Inhabitants of the Town of Raymond vs. Rushlow.....</u>	B-6
<u>Town of Hermon vs. Hatt.....</u>	B-6
<u>Your Homes, Inc. vs. City of Portland Zoning Board of Appeals.....</u>	B-7
<u>Warren vs. Municipal Officers of the Town of Gorham.....</u>	B-7
Analysis of Case Law.....	B-9
Pertinent Statutes.....	B-10
Footnotes.....	B-12

SECTION C STATISTICAL INFORMATION AND TREND

Introduction.....	C-1
<u>Table 1. Provisional Estimates of Year-Round Housing Units.....</u>	C-2
Estimates of Housing Stock by County.....	C-2
Estimates of Housing Stock by Division.....	C-3
Estimates of Housing Stock by RPC.....	C-3
New Units Added by Type of Unit, 1979.....	C-4
Demolitions, Units Lost by Type, 1979.....	C-5
Estimates of Housing Stock.....	C-6
<u>Table 2. New Manufactured Housing Installed in the State of Maine, '75-'79....</u>	C-27
<u>Table 3. Number of Licensed Parks/Lots in Maine by Municipality.....</u>	C-36
<u>Table 4. Mobile Homes in Municipalities.....</u>	C-49
<u>Table 5. Municipalities with 100 or More New Mobile Homes for period 1975-1979.....</u>	C-57

SECTION D SOME POSSIBLE ALTERNATIVES

Introduction.....	D-1
Alternatives.....	D-1
1. Do Nothing.....	D-1
2. Educational Programs.....	D-2
3. Technical Assistance.....	D-2
4. Formal Notification.....	D-2
5. Provide Financial Incentives.....	D-2
6. Support Legal Challenges of Ordinances.....	D-3
7. Establish Legislative Standards.....	D-3

Executive Summary (edited) of the September 1, 1980 Report on
Current Practices Relating to Siting of Manufactured Housing, by
the Department of Business Regulation

Part A of this report contains 14 tables which summarize municipal mobile home regulations. Based upon the ordinances that were submitted to the State for review, these tables include the following results:

Tables 1 through 5 relate to municipal requirements for single mobile homes. Table 1 includes the names of 33 municipalities which allow mobile homes only in mobile home parks. Table 2 contains the names of 51 municipalities which, through a municipal zoning ordinance or its equivalent, allow single mobile homes only in some districts in the municipality. The table includes the name of the district(s) where mobile homes are permitted, and a rough estimate of the percentage of the community which those districts comprise. The percentages range from a low of 2 percent to a high of 95 percent. Table 3 contains the names of 80 municipalities that have minimum floor area requirements which apply to mobile homes. These requirements range from a low of 100 square feet per person, to a high of 780 square feet. Table 4 contains the names of 25 municipalities which require a special exception permit for a single mobile home but do not require a similar permit for conventional dwellings. Table 5 is a compilation of unique municipal requirements of 16 communities that do not fall into any of the previous categories.

Tables 6 through 11 relate to municipal requirements for mobile home parks. Table 6 includes the names of 8 municipalities that prohibit mobile home parks, while Table 7 lists the names of 15 municipalities which do not permit parks in their municipal ordinances. Table 8 contains a list of 79 municipalities that restrict mobile home parks to some zones. The listing for each municipality contains the name of the district(s) to which parks are confined, and a rough estimate of the percent of the total land area in the community which the district(s) occupy. Table 9 is a list of 110 municipalities that review parks as a special exception. Table 10 contains a list of mobile home park lot size listed alphabetically for 119 municipalities' requirements, while Table 10-A lists these same municipalities by categories of lot size requirements. Both tables reflect the fact that lot size requirements for mobile home parks range from a low of 2,000 sq. ft. to a high of 120,000 sq. ft. Table 11 contains a list of 91 municipalities and their respective setback requirements in mobile home parks.

Table 12 is a summary of the requirements of the previous 11 tables for each of the 164 municipalities that has a listed requirement. Table 13 contains a list of 199 municipalities which have either no mobile home requirements, or requirements which do not fall into the categories of tables 1 through 11. Finally, Table 14 contains a list of 71 communities that did not respond to the questionnaire and 17 which did not send in all of the relevant ordinances requested. (Later, written follow-up identified 36 of these non-respondents as having no ordinances, 9 as having some and 7 uncertain.)

B. Current Law and Court Cases

In evaluating municipal regulation of the siting of manufactured housing, Maine courts have primarily used two constitutional standards: whether a regulation bears a reasonable relationship to health, safety or welfare goals, and whether a regulation irrationally discriminates against manufactured housing. In the cases discussed in this report, where these principles have been variously applied, some town actions have been upheld, while some challenges of ordinances have succeeded. Wright v. Michaud, 160 Me. 200 A. 2d 543 (1964), upheld a zoning scheme which excluded mobile homes from individual lots where the town permitted an exception for mobile home parks. Town of Windham v. Sprague, 219 A. 2d 548 (Me. 1966), supported Windham's determination that the replacement of an old with a new mobile home eliminated a non-conforming use, thus requiring the new mobile home to be placed in a mobile home park.

City of Saco v. Tweedie, 314 A. 2d 135 (Me. 1974), validated an ordinance which, on its face, did not totally exclude mobile homes because it allowed them in mobile home parks. Inhabitants of the Town of Raymond v. Rushlow, No. CV 75-771 (Me. Super. Ct. Sept. 27, 1976), enjoined the plaintiffs from replacing an old with a new mobile home without meeting the town's setback requirements. Your Homes, Inc. v. City of Portland Zoning Board of Appeals, Nos. CV 70-740 & 74-109, 77-1247 (Me. Super Ct. April 5, 1977 & Feb. 9, 1979), upheld the denial of a building permit for a mobile home park not meeting zoning ordinance requirements.

While the above cases upheld certain municipal restrictions on mobile home siting, the following cases struck down the restrictions in other situations.

Grondin v. Inhabitants of Eliot, No. Yor. 975-A (Me. Super. Ct. April 30, 1969), invalidated an ordinance which completely banned mobile homes from the community. Town of Windham v. LaPointe, 308 A. 2d 286 (Me. 1973), declared the Windham ordinance invalid because it failed to prescribe standards for the establishment of mobile home parks. Leighton v. Town of Durham, No. And. 75-41 (Me. Super. Ct. March 31, 1976), struck down an ordinance which restricted new mobile homes to mobile home parks upon a showing that the ordinance was not based on health, safety or welfare objectives. Town of Hermon v. Hatt, No. Pen. 77-1 (Me. Super. Ct. May 12, 1978), judged a minimum living space requirement invalid as applied to mobile homes because it did not reasonably relate to health, safety or welfare goals. Begin v. Inhabitants of Town of Sabattus, 409 A. 2d 1269 (Me. 1979), found an ordinance invalid for violating the constitutional mandate of equal protection of the laws where building permit limitations irrationally treated mobile home parks differently from conventional housing developments. Finally, Warren v. Municipal Officers of the Town of Gorham, No. CV 78-8 (Me. Super. Ct. June 12, 1980), enjoined the town from applying an ordinance excluding mobile homes, broadly defined, from individual lots to the plaintiffs' modular home. The Warren case offers a new approach to analysis of mobile home cases that is more favorable to manufactured housing proponents than the traditional approach which presumed the validity of municipal ordinances.

Certain constitutional provisions and statutes should be considered by municipalities seeking to regulate manufactured housing. While Article VIII of the Maine Constitution and 30 M.R.S.A. Sec. 1917 prescribe broad home rule powers for municipalities, this local authority is restrained by individual Maine and United States constitutional rights. Pertinent Maine statutes include the Manufactured Housing Act, the Industrialized Housing Laws, property and excise tax provisions concerning mobile homes, and certain statutes relating to mobile home park regulation.

C. Statistical Information and Trends

The statistics indicate that there are 41,162 mobile homes in the State of Maine. The Town of Lisbon has 749 mobile homes on the tax rolls, while the Town of Brunswick is second with 661 mobile homes. The Town of Wells is the fastest growing municipality in numbers of mobile homes with 406 being installed in the town since 1975. In 1975, there were 499 licensed mobile home parks in Maine with 11,000 lots; today there are 523 parks with 14,476 lots. In the ten year period from 1970 through 1979, there were 26,728 manufactured homes installed in Maine while there were 44,525 other single family housing starts and 11,835 multi-family housing starts.

All population figures used in the study are 1978 estimates provided by the Department of Human Services, Office of Research & Vital Records via Maine State Government Data Center, Maine State Planning Office.

D. Some Possible Alternatives

The final section, suggesting alternative procedures for the Review Committee after it has assessed the data presented in this report, is offered simply as a guide to discussion. The Committee must first determine if a problem of exclusionary zoning of manufactured housing exists and the nature of the problem.

Possible alternative actions include:

1. Providing educational programs for the public and for municipal officials;
2. Providing technical assistance for the amending of ordinances;
3. Notifying non-complying municipalities;
4. Supplying financial incentives to alter problem regulations;
5. Supporting legal challenges of ordinances and;
6. Establishing legislative standards for the zoning of manufactured housing;
7. Doing nothing if no problem is perceived.

APPENDIX C

PUBLIC HEARING ON MANUFACTURED HOUSING

11 DECEMBER, 1980

WITNESSES WHO APPEARED

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Rep. Darryl Brown	Livermore Falls	Land Development Consultant
Bruce Haddock	Freeport	Consumer
Gilbert Ormsby	Topsham	M. H. Park Owner
(Joseph Ziepniewski)	Portland	Greater Portland COG
Jacqueline Cohen	Portland	Attorney for Pownal
Roger Langill	York	Code Enforcement Officer
Gerard Begin	Sabattus	M.H. Park Operator
W. S. Kimball	Buckfield	M.H. Park Operator
John Schiavi	Oxford	M.H. Dealer
(Sherman Hardy)	Sanford	Myself
Byron A. Moody	Mexico	Town Official
(Emile J. Doucette)	Mexico	Myself
Roger S. Elliott	Saco	Attorney for M.H. Industry
Alfred J. Waxler	Portland	Applicant for M.H. Park License
Robert Ingerson	Durham	Junkyard Operator
Charles J. Andreson	Scarborough	Planning/Engineering
David R. Scarponi	Brunswick	M.H. Park Owner
Roland Miller	City of Auburn	Dir. Comm. Dev. & Planning
Dana Keene	Belfast	M.H. Business
Glenn Jackson	Bangor	M.H. Park Operator
Tuck Long	Oxford	Burlington Homes (Manufacturer)

Note: Names in parenthesis signed up, but did not speak.

WRITTEN TESTIMONY WAS RECEIVED FROM:

Haney & Alice Duprey	Topsham	MIKSU M.H. Park Owner
Ashley Powell	Harmony	Selectman
Raymond J. Cota, Jr.	Orono	Town Manager
Richard H. Malone	Westport	Chair. of Selectman
Selectmen	South Bristol	Selectmen
Albert M. Paulger	Houlton	Town Manager
Lawrence Torrey	Sedgwick	Town Official
Hermia Steward	Dallas Plt.	Assessor
Richard Golden	Lisbon Falls	Attorney for M.H.
		Owners
Kenneth M. Fossett	Waldoboro	Pres., Easier Living Hm.
Eliot Field	Dresden Mills	Chair. of Planning
		Board
Richard A. Johnston	Winthrop	Manufactured Housing
Andrew P. Murphy, Jr.	Washington, D.C.	Institute
Leland L. Nelson	Lisbon	Pres., Sunset Gardens
		Park
Roger E. Hanscom	Newry	Chair of Selectmen
Lanier C. Greer	Machias	Wash. Cty. Reg. Plan.Com
Charles J. Andreson	Scarborough	Town Planner
Lewis A. McFarland, Jr.	Trenton	1st Selectman
Gerald Daigle	Cape Elizabeth	Maine Building
		Officials & Inspectors
		Association
Gerard J. B. Raymond	Lewiston	Planning Coordinator
Philip R. Bennett, Jr.	Ashland	Town Manager
John R. Kennedy	Kittery	Town Manager

APPENDIX D

MUNICIPALITIES WHICH RESTRICT MOBILE HOMES TO MOBILE HOME PARKS

Auburn
Bangor
Biddeford
Brewer

Cape Elizabeth
Carrabassett Valley
Castine
Corinth

Cumberland
Durham
Falmouth
Gorham

Hallowell
Hampden
Kittery
Mechanic Falls¹

Millinocket
Mount Desert
Ogunquit
Old Town

Orono
Portland
Rockland²
Saco

Scarborough³
South Portland
Standish
Veazie

Waterville
Westbrook⁴
Yarmouth
York

1. Mechanic Falls - Town reports that a waiver of this requirement can be obtained if the individual removes the undercarriage and places the home on a permanent foundation.
2. Rockland - Town reports that individual units may be allowed by variance in Residential B zone, which is 60% of the municipality.
3. Scarborough - Town ordinance stipulates that an individual may replace a dilapidated single family dwelling with a mobile home under some circumstances.
4. Westbrook - mobile homes must be located in "mobile home subdivisions" in "mobile home subdistricts."

APPENDIX E
MOBILE HOMES AND ORDINANCES
IN MUNICIPALITIES

Municipalities above 20,000 population

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restriction/% allowed</u>
Auburn	8.1	22,408	181	Parks only: parks 11% of town
Augusta	21.2	22,178	470	Minor; parks minor
Bangor	19.9	31,120	618	Parks only; parks 20% of town
Lewiston	12.6	41,887	526	45% of town; parks 20% of town
Portland	0.2	62,174	11	Parks only; no provision for parks
South Portland	0.1	22,868	2	Parks only; Parks 15% of town

* Mobile Homes Per 1,000 population

** Number of Mobile Homes

Municipalities (6,000-20,000 population)

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restriction/% allowed</u>
Bath	6.7	9,927	66	50% of town special permit; parks 50% of town
Belfast	74.	6,345	467	75% of town; parks 75% also
Biddeford	1.1	19,355	22	Parks only; parks 60%
Brewer	10.1	8,833	89	Parks only; parks 10%
Brunswick	38.5	17,191	661	40% of town special permit; parks 20%
Cape Elizabeth	0.04	7,948	3	Parks only; "probably allowed", lot size?
Caribou	43.	11,476	491	Parks only; parks 85% of town
Falmouth	7.0	6,546	46	Parks only; parks 90%; large setback
Farmington	36.9	6,453	238	None
Gardiner	41.6	6,945	289	75% of town; parks 75% 1/2 A. lots
Gorham	48.4	9,671	469	Parks only; parks 40% of town
Houlton	30.1	7,778	234	Minor; M.H. or Parks 85% of town
Kennebunk	5.3	6,579	35	? % of town; (ordinance not submitted)
Kittery	36.4	9,992	364	Parks only; parks 51% of town
Limestone	13.0	9,643	125	Minor; parks 97%, 1 A. lots
Lisbon	90.	8,314	749	65% of town; parks 60%
Lyman	35.	7,084	247	Minor; parks 65%, 1 1/2 A. lots
Millinocket	23.2	8,251	191	Parks only; parks 100%
Old Town	23.0	9,268	213	Parks only; parks 60%
Orono	10.6	11,413	121	Parks only; parks 60%
Presque Isle	18.1	12,688	230	Minor; parks only by variance
Rockland	13.4	8,879	119	Parks only exc. 60% by variance; Parks 40%
Rumford	10.	8,741	87	Special permit and neighbors approval; parks 100%
Saco	46.4	12,447	578	Parks only; parks 50%, 1/2 A. lots, large setback
Sanford	24.7	18,156	448	Minor; M.H. or parks 70% of town
Scarborough	50.5	9,046	456	Parks only; parks 60%, 2 A. lots

* Mobile Homes per 1,000 population

** Number of Mobile Homes

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restriction/% allowed</u>
Skowhegan	63.7	8,042	511	Special permit; parks 100%
Topsham	39.	6,435	251	80% of town; parks 80% also
Waterville	6.5	16,323	107	Parks only; parks 10%
Westbrook	5.1	14,675	75	Parks only; parks in M.H. subdivision ?%
Windham	15.6	9,182	143	75% of town; parks 70%
Winslow	24.9	7,793	194	85% of town; parks 90%
York	7.6	7,733	59	Parks only; parks 50%

Municipalities (1,000-6,000 pop.):

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restriction/% allowed</u>
Acton	42	1,042	44	Minor; lot size 1-2 A.
Addison	38	1,025	39	(none)***
Alfred	55	1,367	75	Minor: special permit in village, lot size 1/2 - 1 1/2 A.
Anson	49	2,220	109	None
Arundel	119	1,953	232	35 bldg. permits/yr.
Ashland	91	1,906	174	Special permit 1 district, floor 780 ft.
Baldwin	41	1,031	42	Minor
Baileyville	69	2,489	173	None
Bar Harbor	22	3,642	82	40% of town, special permit in center; parks 35%, 1 A.
Belgrade	52	1,599	83	None
Benton	55	1,773	97	Minor, 3/4 A lot
Berwick	59	3,676	216	None
Bethel	35	2,242	79	None
Bingham	105	1,276	133	None
Blue Hill	15	1,746	26	None
Boothbay	50	2,134	107	Minor
Boothbay Harbor	8	2,457	19	80% of town
Bowdoin	95	1,345	128	1-minor***; parks 2 A. lot.
Bowdoinham	92.5	1,668	154	Special permit; parks 1 A. lot.
Bradley	75	1,186	89	Minor
Bridgton	22	3,228	73	None
Bristol	51	2,209	113	None
Brownville	33	1,440	48	None
Buckfield	81	1,122	91	None
Bucksport	17	4,343	73	None
Buxton	118	5,196	611	Minor; parks 3 A. lots, large setback
Calais	37	3,980	149	2% of town; parks 85%
Camden	29	4,366	128	No provision for parks
Canaan	38	1,178	45	None
Carmel	134	1,537	206	Minor; parks 1/2 A. lot

* Mobile Homes Per 1,000 population

** Number of Mobile Homes

*** Parenthesis around "none" e.g. (none) means results by MMA phone follow-up.
1-minor means minor restrictions on single units.

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restriction/% allowed</u>
Casco	12	1,858	23	Special permit in village
Castine	9	1,516	14	Parks only; parks 90%
Charleston	47	1,257	59	None
Chelsea	39	2,700	106	Minor
China	44	2,529	111	Minor
Corinna	58	1,865	109	None
Corinth	155	1,630	252	Parks only; parks 100%
Cornville	78	1,036	81	None
Cumberland	none	4,821	0	Parks only; parks 70%, 1/2 A.
Damariscotta	30	1,469	44	None
Deer Isle	40	1,418	57	None
Dexter	73	4,008	295	None
Dixfield	55	2,109	117	None
Dover-Foxcroft	30	4,337	131	None
Durham	69	1,658	114	Parks only; parks 100%, 1 A.
Eagle Lake	63	1,022	65	(None)
East Machias	56	1,267	71	Minor
East Millinocket	10	2,593	26	None
Easton	71	1,469	104	None
Eastport	20	2,044	42	None; parks 35%
Eddington	80	1,717	137	None
Eliot	28	4,293	122	650 ft ² ; parks 80%, 2 A.
Ellsworth	32	4,798	153	90%; parks 90%
Enfield	62	1,423	88	None
Fairfield	33	5,957	197	93%; some special permit; parks 87%
Farmingdale	41	2,674	111	Minor
Fort Fairfield	59	4,512	266	None
Fort Kent	44	4,947	218	60%; parks 60%, 1/2 A.
Freeport	107	5,535	593	75%; parks?, lot: equal single home
Frenchville	71	1,348	96	None
Friendship	34	1,048	36	None
Fryeburg	42	2,334	98	1-none; parks 65%, 1 A. lot
Glenburn	91	2,272	206	Minor
Gray	70	3,597	251	Minor; parks 90%, 2 A, large set back
Gouldsboro	89	1,508	135	None
Greene	52	2,384	125	None

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restriction/% allowed</u>
Greenville	47	1,840	86	None
Guilford	22	1,807	40	None
Hallowell	3	2,565	9	Parks only; parks 65%, 1/2 A.
Hampden	34	5,295	181	Parks only; parks 95%
Hancock	223	1,299	290	1-none; parks 0%?, 1A
Harpswell	28	3,528	99	None
Harrison	24	1,505	37	
Hartland	42	1,714	72	Minor
Hermon	66	3,267	215	Minor
Holden	141	2,485	350	Special permit
Hollis	139	2,313	322	1-minor; parks 75%, 2 A.
Howland	206	1,554	321	1-minor; parks 85%, 3/8 A.
Jay	72	4,500	323	None
Jefferson	21	1,792	38	None
Jonesport	47	1,603	75	None
Kenduskeag	107	1,222	131	None
Kennebunkport	12	2,331	27	85%, special permit 1-zone; parks No
Lebanon	79	2,690	211	1-minor; parks 1 A.
Leeds	109	1,331	145	1-none; parks 75%, 2 A.
Levant	88	1,087	96	1-minor; parks 99%, 1/2 A.
Limerick	48	1,152	55	some, not available
Lislington	69	1,574	109	% unavailable; 500 ft. from ponds
Lincoln	50	5,199	260	15%; parks maybe 15%
Lincolntonville	29	1,290	38	None
Litchfield	54	1,883	101	None
Littleton	64	1,010	65	None
Livermore Falls	50	3,424	171	Minor
Livermore	48	1,740	83	Minor, parks 1 A.
Lubec	24	1,967	47	None
Machias	60	2,492	151	Minor
Machiasport	49	1,200	59	(None)
Madawaska	27	5,443	147	95%, area 650 ft; parks ?%
Madison	33	4,232	139	None
Manchester	26	1,559	43	95%, special permit 1-zone; parks 5%
Mapleton	93	1,639	153	90%; parks 90%
Mars Hill	32	1,973	64	95%, special permit R-1 zone; parks 80%, 1/2 A

<u>Name</u>	<u>M.H. Per. 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restrictions/% allowed</u>
Mechanic Falls	60	2,443	148	Parks only; parks 100%, 200' setback
Medway	89	1,867	167	None
Mexico	53	3,842	203	Special permit and neighbors approval; parks OK
Milbridge	104	1,227	127	None
Milford	60	2,204	132	500' from public buildings; no parks
Milo	24	2,519	60	None
Minot	52	1,411	74	None
Monmouth	84	2,416	202	Some (not available)
Monticello	52	1,070	56	None
Mount Desert	2	2,006	5	Parks only (There are no parks)
Mount Vernon	89	1,029	92	None
Naples	69	1,658	115	None
Newburgh	36	1,076	39	None
Newcastle	35	1,247	44	50%; no parks (maybe special exc.)
New Gloucester	77	3,984	306	90%; no parks
Newport	60	2,470	149	None
Nobleboro	33	1,122	37	None
Norridgewock	58	2,481	143	1-none; parks 100%, 1/2 A.
North Berwick	14	2,643	38	1-none; parks 40%; 1/2 A., 150' setback
North Yarmouth	7	1,830	13	parks only; parks 95%, area 750 ft ² , 1 A., 300' setback
Norway	44	3,762	166	None
Oakland	59	4,305	253	None
Ogunquit		not available		parks only; parks 10%, 650 sq. ft.
Old Orchard Beach	43	5,709	244	M.H. prohibited
Orland	80	1,651	133	Minor
Orrington	44	3,132	139	75%; parks 75%; 3/8 A.
Oxford	83	2,622	218	Minor
Palmyra	63	1,511	96	None
Paris	70	3,798	267	Special permit; parks 100%
Parsonsfield	52	1,016	53	Not available.
Patten	37	1,640	61	Minor
Perry	57	1,154	66	None
Peru	102	1,425	145	None
Phillips	68	1,068	73	1-none; parks 1 A. lots
Phippsburg	28	1,361	38	Minor

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restrictions/% allowed</u>
Pittsfield	30	4,528	136	90%; parks 95%
Pittston	75	2,250	170	Minor
Princeton	32	1,294	42	None
Poland	82	3,079	251	? %; parks 2 A. lots
Porter	35	1,203	42	Minor
Pownal	None	980	0	Yes, not available
Randolph	17	1,869	32	Special permit; parks 100%
Raymond	14	2,092	29	Large setback; parks 65%
Readfield	90	1,577	142	50%; parks 95%, 1 A.
Richmond	64	2,507	161	5%; parks 100%, 1/2 A.
Rockport	70	2,389	167	1-minor; parks 90%, 1 A.
Sabattus	113	2,360	267	Special permit; parks 100%; growth ordinance
Saint Albans	66	1,148	76	None
Saint George	36	1,935	69	None
Sangerville	41	1,041	43	None
Searsport	78	2,299	180	None
Sidney	99	2,109	209	Special permit; parks 100%
South Berwick	51	3,762	194	1-none; parks 2 A. lots
Southwest Harbor	64	1,686	107	None
Standish	94	4,683	439	Parks only; ? % 3 A. lots
Stockton Springs	17	1,230	21	None
Stonington	37	1,252	46	None
Strong	127	1,177	149	None
Thomaston	14	2,827	41	20%, special permit; parks 50%, 3/8 A., 150' setback
Tremont	112	1,149	129	None
Turner	52	3,042	160	Minor
Union	10	1,681	17	None
Unity	38	1,538	59	None
Van Buren	23	3,802	87	None
Vassalboro	83	3,129	260	1-none; parks 100' setback
Veazie	61	1,666	102	parks only; parks 35%
Vinalhaven	19	1,226	23	None
Waldoboro	88	3,841	337	None
Warren	36	2,254	82	1-minor; parks 90%, 100' setback
Washburn	28	2,179	61	90%; parks 90%
Waterboro	38	2,216	85	parks only; parks 50%, 1 A. lots

<u>Name</u>	<u>M.H. Per 1,000 Pop.*</u>	<u>Population</u>	<u>#M.H.**</u>	<u>Restrictions/% allowed</u>
Wells	110	5,523	609	95%; parks ? maybe, w. 2 1/2 A. lots
West Bath	95	1,081	103	Special permit certain districts; no parks
West Paris	34	1,352	46	None
Whitefield	51	1,377	70	1-none; parks 1 1/2 A
Wilton	46	4,112	190	1-none; no parks
Windsor	97	1,653	161	None
Winter Harbor	32	1,761	56	10% special permit; parks 10%
Winterport	77	2,296	176	None
Winthrop	64	4,889	312	85% special permit; parks 80%
Wiscasset	102	2,724	278	None
Woodland	85	1,260	107	Minor
Woodstock	47	1,128	53	None
Woolwich	71	2,056	146	None; no parks
Yarmouth	37	5,734	21	Parks only; parks 5%, 2 A. lots

Of the smaller municipalities (below 1,000 population) 120 have no mobile home requirements, while 25 have some as listed below. In addition, of the 76 which did not respond, or responded incompletely to the original survey, telephone follow-up showed that 31 have no ordinances, while 7 do, and 6 gave different answers at different times.

Municipalities Below 1,000 Population With M.H. Requirements

Alna	Special permit; no parks
Arrowsic	No parks
Byron	No parks
Carrabassett Valley	Parks only
Cornish	Uncertain
Dyer Brook	Minor
Fayette	Special permit
Hanover	Minor
Lamoine	Minor
Mariaville	No parks
Newfield	Large lots
North Haven	Minor; large lots
Otis	Special permit; no parks
Penobscot	Minor
Portage Lake	Uncertain
Rangeley	No parks
Shapleigh	Large lots
Stacyville	Minor
Sullivan	Minor
Waldo	Minor
Wales	Minor
Wayne	Minor, 1/2 A. lots
West Gardiner	Minor, 1/2 A. lots
Westport	Special permit
Willimantic	Minor

APPENDIX F: Follow-up Letters

SENATE

THOMAS R. PERKINS, DISTRICT 28, CHAIRMAN
DAVID R. AULT, DISTRICT 15
RICHARD R. CHARETTE, DISTRICT 13

JAN ANDERSON, COMMITTEE CLERK



HOUSE

J.P. NORMAND LAPLANTE, SABATTUS, CHAIRMAN
EDWARD A. MCHENRY, MADAWASKA
VINTON T. RIDLEY, SHAPLEIGH
PHYLLIS J. ROBERTS, BUXTON
DANA S. SWAZEY, BUCKSPORT
COURTNEY E. STOVER, WEST BATH
ALBERTA M. WENTWORTH, WELLS
EUGENE J. PARADIS, OLD TOWN
RICHARD W. ARMSTRONG, WILTON
DOUGLAS E. CURTIS, WALDOBORO

STATE OF MAINE
ONE HUNDRED AND TENTH LEGISLATURE
LOCAL AND COUNTY GOVERNMENT

(letter to municipalities with ordinances pertaining
to manufactured housing)

Dear Municipal Official:

This Committee has received the Report of the Review Committee on Manufactured Housing, established by the 109th Legislature. At their request, a copy of the Executive Summary is enclosed.

The Review Committee expressed concern about certain kinds of restrictive ordinances relating to mobile and modular homes, but also recognized that there may be justification for certain unique provisions, because of local conditions. Also, according to the statistics in the Report, there are 37 mobile homes per thousand population statewide. In there are mobile homes per thousand population. The report concluded that a reasonable time should be given for municipalities to reconsider their ordinances.

We would like to direct the attention of officials in your municipality to the Report, and request that your ordinances be reviewed in light of this information and modified if appropriate. We would also like to receive information from any municipality on the progress of their ordinance review, and on the need for any unique provisions.

This Committee will continue to monitor the progress of municipalities in resolving these areas of concern. It will review the issue again in early December, 1981, and consider the need for additional legislation, but it is hoped that sufficient progress will occur to make that unnecessary.

In addition, this Committee will take action in the next few weeks on legislation to provide some assistance to municipal officials in addressing these concerns.

We will appreciate your cooperation in this matter.

Sincerely yours,

Thomas R. Perkins
Senate Chairman

J.P. Normand LaPlante
House Chairman

HW/elk

SENATE

JEROME A. EMERSON, DISTRICT 24, CHAIRMAN
ANDREW J. REDMOND, DISTRICT 17
ALBERT E. COTE, DISTRICT 13

DONNA G. TRACY, COMMITTEE CLERK



HOUSE

J. P. NORMAND LAPLANTE, SABATTUS, CHAIRMAN
EDWARD A. MCHENRY, MADAWASKA
LUCIEN A. DUTREMBLE, BIDDEFORD
NORMAN W. NELSON, ROQUE BLUFFS
LLOYD G. DRINKWATER, BELFAST
COURTNEY E. STOVER, WEST BATH
JAMES K. MCMAHON, KENNEBUNK
MEREDITH E. BORDEAUX, MOUNT DESERT
ALBERTA M. WENTWORTH, WELLS
EUGENE J. PARADIS, OLD TOWN

STATE OF MAINE

ONE HUNDRED AND NINTH LEGISLATURE

LOCAL AND COUNTY GOVERNMENT

(letter to municipalities without ordinances pertaining
to manufactured housing)

Dear Municipal Official:

Enclosed for your information is the Executive Summary
of the final report of the Review Committee on Manufactured
Housing to the Joint Standing Committee on Local and County
Government. If you wish a copy, the full report is available
on request.

Thank you for your cooperation in the study on which this
work was based. We hope that you find the report informative
and useful in dealing with this area of continuing interest.

Sincerely,

Thomas R. Perkins
Senate Chairman

J.P. Normand LaPlante
House Chairman

HW/lk
Enc.

APPENDIX G: PROPOSED LEGISLATION

The Review Committee proposed 3 pieces of legislation: a Resolve, and two bills, as follows:

I. RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program.

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

Whereas, safe and suitable housing is both a need and a right of individual Maine citizens and families; and

Whereas, the Review Committee on Manufactured Housing has conducted a study as directed by chapter 54, Resolves of the 109th Legislature and has made certain recommendations to the Committee on Local and County Government; and

Whereas, the Review Committee has determined that there are areas of concern within certain municipal ordinances and recommends a program of education and assistance in order to resolve those concerns; and

Whereas, such a program will require 6 to 8 months and the Committee on Local and County Government needs to review the progress of such a program in December, 1981; 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

Manufactured housing education and oversight program.

Resolved: That the State Planning Office, with the assistance of the Manufactured Housing Board and the Division of Health Engineering shall conduct an educational program for municipalities on ordinances pertaining to manufactured housing, providing them with information on the pertinent case law and statutes as well as the results of the 1980 study by the Review Committee on Manufactured Housing. The State Planning Office shall invite the Maine Municipal Association and the Manufactured Housing Association and Institute for the Northeast to assist and participate in this program; and be it further

Resolved: That the State Planning Office shall report to the Joint Standing Committee on Local and County Government, by November 1, 1981 on the activities conducted under this program, and on the response of the municipalities; and be it further

Resolved: That the Joint Standing Committee on Local and County Government shall monitor the progress of municipal ordinances on manufactured housing, and, in December 1981, shall review that progress, reconsider the necessity for state legislation concerning the siting of manufactured housing, and report their findings to the Second Regular Session of the 110th Legislature, including recommended legislation, if appropriate.

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

STATEMENT OF FACT

The purpose of this Resolve is to provide a continuing process to follow up on the 1980 manufactured housing study by providing to municipalities information that they may find useful in evaluating and reconsidering their ordinances on

manufactured housing, and by providing legislative oversight over that process.

The intended scale of the educational program is modest, so that it should be carried out within the regular budget of the State Planning Office and not require an additional appropriation.

The emergency preamble will allow the process to start as soon as possible, and continue the momentum provided by the recent study.

II. AN ACT to Require Availability of Municipal Ordinances.

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

Sec. 1. 30 MRSA §2153, as amended by PL 1961, c. 322 is amended in subsection 4 to read:

4. Application. ~~This-section~~ Subsections 1, 2 and 3 shall not apply to ordinances which may be enacted by the municipal officers.

Sec. 2. 30 MRSA §2153, is further amended by adding at the end:

5. Availability. Each ordinance shall be on file with the municipal clerk, or another individual designated in the municipal charter, and shall be easily accessible to any member of the public. Copies shall be made available to any member of the public, at reasonable cost, at the expense of the person making the request. Notice of availability of the ordinance shall be posted.

Sec. 3. 33 MRSA §662-A, as amended by PL 1973, c. 788 is repealed.

STATEMENT OF FACT

This bill requires the availability of local ordinances, and copies thereof from the municipal clerk, or another designated individual. It deletes the requirement for filing municipal land control ordinances with the county registry of deeds.

III. AN ACT to Conform the Definition of Manufactured Housing with Federal Law.

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

Sec. 1. 10 MRSA c. 213, 2nd line, is amended to read:

MOBILE MANUFACTURED HOME WARRANTIES

Sec. 2. 10 MRSA §1401, is amended to read:

§1401. Necessity of warranty

After October 3, 1973, all new mobile manufactured homes sold by mobile home dealer situated in the State of Maine shall be covered by the warranty set forth in this chapter.

Sec. 3. 10 MRSA §1402, is amended to read:

§1402. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Dealer. "Dealer" shall include any person, corporation association or any other legal entity who customarily sells mobile manufactured homes to customers.

2. Mobile manufactured home. "Mobile manufactured home" shall mean a structure transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ 40 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Sec. 4. 10 MRSA §1403, is amended to read:

§1403. Application

The warranty provided for in this chapter shall apply to the manufacture of the mobile manufactured home, as well as to the dealer who sells the mobile manufactured home to the buyer.

Sec. 5. 10 MRSA §1414, 1st sentence is amended to read:

The manufacturer shall provide a written warranty with each new mobile manufactured home.

Sec. 6. 10 MRSA §1414, sub-§1, is amended to read:

1. Defects. That the mobile manufactured home is free from any substantial defects in materials or workmanship;

Sec. 7. 10 MRSA §1414, sub-§2, is amended to read:

2. Corrective action. That the manufacturer or dealer or both shall take appropriate corrective action at the site of the mobile manufactured home in instances of substantial defects in materials or workmanship, which become evident within one year from the date of the delivery of the mobile manufactured home to the consumer, provided the consumer or his transferee gives written notice of such defects to the manufacturer or dealer at their business address not later than one year and 10 days after date of delivery.

Sec. 8. 10 MRSA §9001, sub-§1, ¶A, is amended to read:

A. The production and utilization of manufactured housing, including mobile manufactured home and modular manufactured housing, and the use of new and improving technologies, techniques, methods and materials has and will increase the available supply of housing at prices which residents of this State can afford;

Sec. 9. 10 MRSA §9002, sub-§3, is amended to read:

3. Federal Mobile Home Construction and Safety Standard.

"Federal Mobile Home Construction and Safety Standard" means the standard for construction, design and performance of a mobile manufactured home which has been duly adopted by the Federal Government pursuant to the National Mobile Home Construction and Safety Standards Act of 1974 (P.L. 93-383, Title VI), or any successive legislation.

Sec. 10. 10 MRSA §9002, sub-§7, 2nd sentence, is amended to read:

The term includes mobile manufactured homes, modular manufactured homes and any other type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim.

Sec. 11. 10 MRSA §9002, sub-§10, is amended to read:

10. Mobile manufactured home. "Mobile manufactured home" means a structure which is a type of manufactured housing and is transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ 40 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

Sec. 12. 10 MRSA §9002, sub-§11, is amended to read:

11. Modular manufactured home. "Modular manufactured home" means a structure which is a type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a

foundation when connected to required utilities and includes the plumbing, heating, air-conditioning or electrical systems contained therein.

Sec. 13. 10 MRSA c. 951, sub-c. III, 2nd line, is amended to read:

MODULAR MANUFACTURED HOUSING REGULATIONS

Sec. 14. 10 MRSA §9041, sub-§3, 2nd sentence, is amended to read:

For purposes of this subchapter, manufactured housing shall include only modular manufactured housing.

Sec. 15. 22 MRSA §2491, sub-§9, is amended to read:

9. Mobile manufactured home. "Mobile manufactured home" shall mean a structure, transportable in one or more sections which is 8 body feet or more in width and is ~~32~~ 40 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Sec. 16. 22 MRSA §2491, sub-§10, is amended to read:

10. Mobile manufactured home park. "Mobile manufactured home park" means a parcel or adjoining parcels of land, under single ownership which has been planned and improved for the placement of 2 or more mobile manufactured homes per parcel.

Sec. 17. 22 MRSA §2492, 1st ¶, 1st sentence, is amended to read:

No person, corporation, firm or copartnership shall conduct,

control, manage or operate, for compensation, directly or indirectly, any eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile manufactured home park, unless the same shall be licensed by the department.

Sec. 18. 22 MRSA §2494, 1st ¶, 1st sentence, is amended to read:

Each application for, or for renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile manufactured home park within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment, place, camp, area or park of the licensee, determined by the department and not to exceed \$30.

Sec. 19. 22 MRSA §2495, 1st ¶, 1st sentence, is amended to read:

The department shall, within 30 days following receipt of application, issue a license to operate any eating establishment eating and lodging place, lodging place, recreational camp, camping area or mobile manufactured home park which is found to comply with this chapter and any rules and regulations adopted by the department, and has submitted documented proof of compliance with all local ordinances relating to the operation of the facility for which the license application has been made.

Sec. 20. 22 MRSA §2498, 1st sentence, is amended to read:

Any person, corporation, firm or copartnership who shall operate any eating establishment, eating and lodging place,

lodging place, recreational camp, camping area or mobile manu-
factured home park without first obtaining a license as required
by this chapter shall, upon conviction thereof, be punished by
a fine of not less than \$10 nor more than \$100, and upon 2nd or
subsequent conviction, shall be punished by a fine of not less
than \$100.

Sec. 21. 29 MRSA §1, sub-§3-A, is amended to read:

3-A. Mobile manufactured home. "Mobile manufactured home"
shall mean:

A. A structure, transportable in one or more sections,
which is 8 body feet or more in width and is ~~32~~ 40 body
feet or more in length, and which is built on a permanent
chassis and designed to be used as a dwelling with or with-
out a permanent foundation when connected to the required
utilities, and includes the plumbing, heating, air-condi-
tioning and electrical systems contained therein.

A mobile manufactured home remains a mobile manufactured
home for purposes of this Title even though it may be used
for the advertising, sales, display or promotion of mer-
chandise or services, or for any other commercial purpose
except the transportation of property.

Sec. 22. 30 MRSA §2151, sub-§4, ¶A, is amended to read:

A. Regulating the design, construction materials and con-
struction of new buildings and additions to and alterations
of existing buildings; regulating the alteration, demolition,
maintenance, repair, use, change of use, safety features,
light, ventilation and sanitation facilities of all buildings;

regulating sanitation and parking facilities for trailers but not for mobile manufactured homes which are 8 body feet or more in width and 40 body feet or more in length; regulating the installation, alteration, maintenance, repair and use of all equipment or in connected to all buildings; requiring permits and establishing reasonable permit fees for all of the operations mentioned in this paragraph.

Sec. 23. 30 MRSA c. 230, 2nd line, is amended to read:

MOBILE MANUFACTURED HOME PARKS

Sec. 24. 30 MRSA §4061-A, is amended to read:

§4061-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Mobile manufactured home. "Mobile manufactured home" shall mean a structure, transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ 40 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

2. Mobile manufactured home park. "Mobile manufactured home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adopted to accomodate 2 or more mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes.

3. Tenant. "Tenant" means a mobile manufactured home owner who rents a parcel of land in a mobile manufactured home park.

Sec. 25. 30 MRSA §4061-B, 1st sentence, is amended to read:

No mobile manufactured home park owner or operator shall require a resident therein to purchase from said owner or operator underskirting, equipment for tying down mobile manufactured homes or any other equipment required by law, local ordinance or regulation of the mobile manufactured home park.

Sec. 26. 30 MRSA §4062, 1st sentence, is amended to read:

A mobile manufactured home park owner or operator shall be required to disclose fully in writing all fees charges, assessments and rules and regulations prior to a mobile manufactured home dweller's assuming occupancy in the park.

Sec. 27. 30 MRSA §4063, is amended to read:

§4063. Refusal to pay undisclosed charges

Failure on the part of the mobile manufactured home park owner or operator to disclose fully all fees, charges or assessments shall prevent the park owner or operator from collecting said fees, charges or assessments, and refusal by the dweller to pay any undisclosed charges shall not be used by the owner or operator as a cause for eviction in any court of law.

Sec. 28. 30 MRSA §4064, is amended to read:

§4064. Restrictions on disposal of mobile manufactured homes

No mobile manufactured home park shall exact a commission or fee with respect to the price realized by the seller, unless the park owner or operator has acted as agent for the mobile manufactured home owner in the sale pursuant to a written contract. No mobile manufactured home park owner or operator shall require

as a condition of tenancy or continued tenancy that a mobile manufactured home owner designate the park owner or operator or any other individual or agent to act as agent for the mobile manufactured home owner in the sale of the home owner's mobile manufactured home. No mobile manufactured home park shall restrict in any manner the reasonable advertising for sale of any mobile manufactured home in said park.

Sec. 29. 30 MRSA §4065, is amended to read:

§4065. Restrictions on the purchase of fuel oil or bottled gas

No mobile manufactured home park owner or operator shall require, as a condition of tenancy or continued tenancy, that a mobile manufactured home owner or dweller purchase fuel oil or bottled gas dealer or distributor. This section shall not apply to a mobile manufactured home park owner or operator who provides a centralized distribution system for fuel oil or bottled gas, or both, for residents therein. No mobile manufactured home park owner or operator who provides such a centralized distribution system shall charge residents more than the average retail price charged by other retail distributors for fuel oil or bottled gas in the county in which the mobile manufactured home park is located.

Sec. 30. 30 MRSA §4066, is amended to read:

§4066. Space for purchaser of mobile home from owner of park

A tenancy or other estate at will or lease in a mobile manufactured home park may not be terminated solely for the purpose of making the tenant's space in the park available for a person who purchased a mobile manufactured home from the owner of the mobile manufactured home park or his agents.

Sec. 31. 30 MRSA §4066-B, sub-§1, ¶B, is amended to read:

B. Failure of the tenant to comply with local ordinances or state or federal law or regulations relating to mobile manufactured homes or mobile manufactured home parks, provided that the tenant is first given written notice of his failure to comply with said laws or regulations and a reasonable opportunity thereafter to comply with said laws or regulations.

Sec. 32. 30 MRSA §4066-B, sub-§1, ¶D, is amended to read:

D. Repeated conduct of the tenant upon the mobile manufactured home park premises which disturbs the peace and quite or safety of other tenants in the mobile manufactured home park.

Sec. 33. 30 MRSA §4066-B, sub-§1, ¶E, 1st sentence, is amended to read:

E. Failure of the tenant to comply with reasonable written rules and regulations of the mobile manufactured home park as established by the park owner or operator in the rental agreement at the inception of the tenancy or as amended subsequently, provided that the tenant is first given written notice of his failure to comply and a reasonable opportunity thereafter to comply with said rules and regulations.

Sec. 34. 30 MRSA §4066-B, sub-§1, ¶F, is amended to read:

F. Condemnation or change of use of the mobile manufactured home park.

Sec. 35. 30 MRSA §4066-B, sub-§2, 1st sentence, is amended to read:

2. Notice. Termination of any tenancy in a mobile manufactured

home park shall not be effective unless made in the following manner: By the tenant giving at least 45 days' notice to the park owner or by the park owner entitled under subsection 1 to the mobile manufactured home space giving at least 45 days' notice to the park owner or by the park owner entitled under subsection 1 to the mobile manufactured home space giving at least 45 days' notice in writing, delivered by certified or registered mail, to the tenant which shall state the reason or reasons for termination.

Sec. 36. 30 MRSA §4066-B, sub-§3 is amended to read:

3. Fees. The owner of a mobile manufactured home park or his agents shall not charge any fees to tenants other than charges for rent, utilities, incidental service charges, entrance fees or security deposits, unless otherwise provided for in the original lease or agreement.

Sec. 37. 30 MRSA §4066-B, sub-§4, 1st sentence, is amended to read:

4. A mobile manufactured home park owner may promulgate reasonable rules governing the conduct of his tenants, if it is reasonably related to preserving the order and peace of other tenants and the mobile manufactured home park.

Sec. 38. 30 MRSA §4066-B, sub-§6, is amended to read:

6. Enforcement. In addition to any other remedy under this chapter, any mobile manufactured home park resident may sue to enforce any provision of this section, and the court may award damages or grant injunctive or other appropriate relief.

Sec. 39. 30 MRSA §4066-B, sub-§8, is amended to read:

8. Eviction without cause. Notwithstanding any other

provision of this section, a landlord may evict a tenant from the mobile manufactured home park without cause upon giving 120 days' notice of termination.

Sec. 40. 30 MRSA §4773, sub-§3, 2nd sentence is amended to read:

All references to industrialized housing in this Article shall include mobile manufactured homes, except where otherwise indicated by a separate reference to manufactured mobile homes.

Sec. 41. 30 MRSA §4773, sub-§8, is amended to read:

8. Mobile manufactured home. "Mobile manufactured home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and is ~~32~~ 40 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Sec. 42. 30 MRSA §4774, 2nd ¶, is amended to read:

No person, firm or corporation shall sell, deliver or install any industrial housing, not including mobile manufactured homes, in the State of Maine which has not been approved and certified by the authority, or approved agent, or H.U.D., if such industrialized housing was manufactured after February 1, 1975. However, the manufacturer of industrialized housing, not including mobile manufactured homes, may sell, deliver or install industrialized housing without a State of Maine Seal of Approval in municipalities which have adopted a building code and have a local enforcement agency if such industrialized housing is found by the local

enforcement agencies to comply with the requirements of the building code incorporated in the ordinances and regulations enacted by the local governments.

Sec. 44. 30 MRSA §4775, 1st ¶, 2nd sentence,
is amended to read:

The rules and regulations shall permit the use of new and improved technology, techniques, methods and materials, consistent with reasonable requirements of either the Building Officials and Code Administrators International, Inc. or the United States Department of Housing and Urban Development, which apply to industrialized housing, not including mobile manufactured homes.

Sec. 45. 30 MRSA §4775, 3rd ¶, 2nd sentence,
is amended to read:

The authority shall adopt separate rules and regulations for mobile manufactured homes which shall recognize the unique qualities of mobile manufactured homes, and which shall permit the use of new and improved technology, techniques, methods and materials, consistent with reasonable requirements of such nationally recognized codes as the Standard for Mobile Homes published by the American National Standards Institute or other similar codes.

Sec. 46. 30 MRSA §4775, 4th ¶, 1st sentence,
is amended to read:

Before adopting or amending the regulations governing industrialized housing or mobile manufactured homes, the authority shall publish notice of intent to adopt the 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.

Sec. 47. 30 MRSA §4780, 2nd ¶, 1st sentence,
is amended to read:

The Board of Appeals to be appointed by the authority shall consist of 5 members as follows: One registered engineer; one member of the general public; one active local code enforcement officer; one representative of the industrialized housing industry; and one representative of the mobile manufactured home industry.

Sec. 48. 36 MRSA §1481, sub-§1, ¶A is amended to read:

1. Mobile manufactured home. "Mobile manufactured home" means:

A. A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 40 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

A mobile manufactured home remains a mobile manufactured home for purposes of this Title even though it may be used for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purposes except the transportation of property.

Sec. 49. 36 MRSA §1482, sub-§1, ¶B, is amended to read:

B. Mobile manufactured homes. For the privilege of operating a mobile manufactured home upon the public ways, each mobile

manufactured home to be so operated shall be subject to such excise tax as follows: A sum equal to 25 mills on each dollar of the maker's list price for the first or current year of model, 20 mills for the 2nd year, 16 mills for the 3rd year and 12 mills for the 4th year and succeeding years. The minimum tax shall be \$15.

Sec. 50. 36 MRSA §1484, sub-§2 is amended to read:

2. Mobile manufactured homes and camp trailers.

A. If paid prior to April 1st, or if the mobile manufactured home or camp trailer is acquired or is brought into this State after April 1st, the excise tax shall be paid in the place where the mobile manufactured home or camp trailer is located.

B. If paid on or after April 1st, the excise tax shall be paid in the place where the mobile manufactured home or camp trailer was located on April 1st.

C. The excise tax for mobile manufactured homes and camp trailers owned by residents of the various Indian reservations shall be paid to the tribal clerks thereof.

STATEMENT OF FACT

The purpose of Sections 1 through 21 and 23 through 50 of this bill is to apply modern terminology and definitions of manufactured housing, as evidenced in a 1980 amendment of federal law, to current statutes pertaining to mobile and modular housing. The federal law replaces the term "mobile home" with the term "manufactured housing" and changes the dimensional definition of manufactured housing from 8 feet by 32 or more feet to 8 feet by 40 or more feet. This bill introduces the term "manufactured" into state statutes without altering the reach or scope of the

statutes, and changes the dimensional definitions of manufactured housing.

Section 22 of this bill clarifies the purposes for which municipalities may enact police power ordinances. Authority to regulate sanitation and parking facilities of trailers does not include authority to similarly regulate mobile manufactured homes.