

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

SPONSOR(S)

BUSTIN

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

Generally, this bill would increase the advocacy role of the Manufactured Housing Board, make a number of changes in the roles and responsibilities of the board and move the board to the Department of the Attorney General. The bill also would:

1. Modify the composition of the board, expand the number of consumer members and require legislative confirmation for all members. The bill also would create the Manufactured Housing Recovery Fund to provide assistance to persons living in substandard manufactured housing and describe the complaint process;
2. Change the law so that enforcement authority rests with the board itself and not with the board's employees;
3. Specify the kind of uniform standards the board must establish, including standards for installation;
4. Require installers to provide one-year warranties and to meet state installation standards;
5. Add a requirement that the installer, who already notifies the State when a unit is installed, include notification of the type of home installed and indicate that installation standards have been met;
6. Establish time frames for the correction of violations and clarify that it is not legal to obstruct the work of the board. The bill also would require that a manufacturer disclose to a consumer the fact that a home contains hardboard siding;
7. Grant the board authority to hold hearings, indicate that failure to comply with state standards constitutes a violation and give the board authority to enjoin the sale of some kinds of homes;
8. Require the board to consider any group of 10 complainants a class and to request that the Attorney General assist those complainants in taking legal action;
9. Give the board 90 days to act upon a violation, allowing individuals to seek court relief should the 90 days pass without action of the board;
10. Establish a fine for a violation of the standards and clarify what constitutes a violation;
11. Modify existing statutory language so as to provide for the creation of the Manufactured Housing Recovery Fund;
12. Upgrade the kind of standards that the State is required to establish, including requirements that a manufactured home be durable for at least the length of a mortgage and that a home sold in the State carry a seal or label that indicates that the federal Department of Housing and Urban Development and the state Manufactured Housing Board have approved the home;
13. Specify what must be included in a warranty and how warranty claims must be handled;
14. Indicate that local standards established by a municipality can not be less than those standards set by the State;

15. Make the fee currently paid for new dwelling units apply to all dwelling units installed in the State;
16. Require the board, upon receiving 10 or more similar complaints concerning manufactured homes, to notify purchasers of similar housing of their rights of action;
17. Move the responsibility for determining when a manufacturing defect exists from the manufacturer to the board;
18. Add disclosure requirements for defects for dealers selling used homes;
19. Clarify that the board may pursue out-of-state manufacturers, even if another state has certified that a home meets that state's standards;
20. Clarify the board's authority to pursue remedy on its own;
21. Allow consumers approximately one year from discovery to file a complaint;
22. Clarify that manufactured homes must comply with federal and state standards and require the use of the Department of Housing and Urban Development seal on all homes sold in the State;
23. Clarify that the board has the authority to hold hearings and to make findings;
24. Repeal statutory language that limits remedy to first-time purchasers;
25. Require mobile home park owners to notify tenants of their right to remedy through the board;
26. Expand the conditions that have to be met in sales of used mobile homes; and
27. Give a buyer the right to return, within 30 days of purchase, a mobile home that does not meet standards.

LD 1457 An Act to Simplify Procedures for Property Abandoned by Tenants

ONTP

SPONSOR(S)
LAWRENCE

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have amended existing abandoned property laws regarding the treatment of property abandoned by tenants. The bill would have streamlined and simplified the procedure for handling abandoned property by requiring a 21-day notice period and by providing a form notice to facilitate compliance with the law.

The bill also would have:

1. Permitted landlords to keep, discard, donate or sell abandoned property with a total fair market value of less than \$500 after the expiration of the 21-day notice period;
2. Allowed landlords to dispose of abandoned property with a total fair market value of \$500 or more, without notification to and permission from the Treasurer of State, unless the property was an abandoned mobile home;