

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

MAY 1994

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**Staff:**

*Marion Hylan Barr, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

*\*Denotes Chair*

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CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

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penalties, if the person uses a motor vehicle to facilitate the trafficking or furnishing of a scheduled drug. The court may also suspend the same privileges when a motor vehicle was used to furnish or traffic a counterfeit drug or when a person used a motor vehicle to facilitate aggravated trafficking or furnishing.

The suspension of a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license may not begin until after any period of incarceration is served and may not exceed 5 years.

If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

The amendment adds a fiscal note to the bill and also conforms existing law to current drafting standards.

SENATE AMENDMENT "A" (S-561) TO COMMITTEE AMENDMENT "A" would have changed current law by requiring either the chief law enforcement officer of a municipality or, if there were no chief law enforcement officer, the Chief of the State Police to conduct the background investigation of an applicant for a concealed firearms permit. If the investigating officer determined that the applicant had met all the necessary criteria, then the issuing authority would have had to issue the permit to the applicant.

**LD 1453 An Act to Make Changes in the Manufactured Housing Laws**

PUBLIC 642  
EMERGENCY

**SPONSOR(S)**  
BUSTIN

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-992 DAGGETT  
S-530

**SUMMARY**

Generally, this bill increases the advocacy role of the Manufactured Housing Board, makes a number of changes in the roles and responsibilities of the board and moves the board to the Department of the Attorney General. The bill also:

1. Modifies the composition of the board, expanding the number of consumer members and requiring legislative confirmation for all members. The bill also creates the Manufactured Housing Recovery Fund to provide assistance to persons living in substandard manufactured housing and it describes the complaint process;
2. Changes the law so that enforcement authority rests with the board itself and not with the board's employees;
3. Specifies the kind of uniform standards the board must establish, including standards for installation;
4. Requires installers to provide one-year warranties and to meet state installation standards;
5. Adds 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. Establishes time frames for the correction of violations and clarifies that it is not legal to obstruct the work of the board. The bill also requires that a manufacturer disclose to a consumer the fact that a home contains hardboard siding;
7. Grants the board authority to hold hearings, indicates that failure to comply with state standards constitutes a violation and gives the board authority to enjoin the sale of some kinds of homes;
8. Requires 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. Gives 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. Establishes a fine for a violation of the standards and clarifies what constitutes a violation;
11. Modifies existing statutory language to provide for the creation of the Manufactured Housing Recovery Fund;
12. Upgrades 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. Specifies what must be included in a warranty and how warranty claims must be handled;
14. Indicates that local standards established by a municipality can not be less than those standards set by the State;
15. Makes the fee currently paid for new dwelling units apply to all dwelling units installed in the State;
16. Requires the board, upon receiving 10 or more similar complaints concerning manufactured homes, to notify purchasers of similar housing of their rights of action;
17. Moves the responsibility for determining when a manufacturing defect exists from the manufacturer to the board;
18. Adds disclosure requirements for defects for dealers selling used homes;
19. Clarifies that the board may pursue out-of-state manufacturers, even if another state has certified that a home meets that state's standards;
20. Clarifies the board's authority to pursue remedy on its own;
21. Allows consumers approximately one year from discovery to file a complaint;
22. Clarifies that manufactured homes must comply with federal and state standards and requires the use of the Department of Housing and Urban Development seal on all homes sold in the State;
23. Clarifies that the board has the authority to hold hearings and to make findings;
24. Repeals statutory language that limits remedy to first-time purchasers;
25. Requires mobile home park owners to notify tenants of their right to remedy through the board;

26. Expands the conditions that have to be met in sales of used mobile homes; and
27. Gives a buyer the right to return, within 30 days of purchase, a mobile home that does not meet standards.

This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (S-530) replaces the original bill and makes the following changes to the manufactured housing laws:

1. Amends the laws dealing with mobile home warranties by defining manufactured homes to include mobile homes and all other types of manufactured housing;
2. Defines "installer" and creates a new warranty for the installation of manufactured homes;
3. Enables the Manufactured Housing Board to enforce Maine's explicit manufactured housing warranty law and the implied warranty of merchantability;
4. Requires the Manufactured Housing Board to set uniform reasonable standards for the proper installation of manufactured homes;
5. Requires the installer, who already notifies the State when a manufactured home is installed, to include notification of the type of home installed and indicate that installation standards have been met;
6. Requires that manufacturers and installers obtain from the Manufactured Housing Board warranty seals that must first be attached to a manufactured home before it may be installed in the State;
7. Clarifies the Manufactured Housing Board's procedures for investigation of complaints and revocation or suspension of licenses, including notices of violation;
8. Defines remedies for consumers for manufacturing defects and installation defects in manufactured homes;
9. Requires the Manufactured Housing Board to notify all claimants of a claimant's right to seek remedy through a court proceeding;
10. Requires the Manufactured Housing Board to adopt rules governing qualifications for each category of license under its jurisdiction;
11. Allows the Manufactured Housing Board to require bonding or other reasonable methods to ensure that the manufacturers, dealers and others licensed under the Maine Revised Statutes, Title 10, chapter 951 are financially responsible to fully comply with the law;
12. Requires as a condition of licensure that an out-of-state company designate the executive director of the Manufactured Housing Board as the out-of-state company's agent to receive service of process;
13. Clarifies when the Manufactured Housing Board may suspend, revoke or refuse to renew a license;
14. Specifies that if a consumer files a written complaint with the manufacturer, dealer, installer or Manufactured Housing Board within one year and 10 days after the installation of a new manufactured home, receipt of the written complaint by the manufacturer, dealer, installer or Manufactured Housing Board tolls the statute of limitations for purposes of bringing an action to enforce an applicable warranty;

15. Requires the Manufactured Housing Board to review the board's composition and function and to make recommendations for changes to the joint standing committee of the Legislature having jurisdiction over legal affairs and the joint standing committee of the Legislature having jurisdiction over housing and economic development matters no later than March 1, 1995; and
16. Requires the Manufactured Housing Board to review the Report of the National Manufactured Housing Commission and any federal legislation or law dealing with consumer protection, including but not limited to a national recovery fund. The board shall report its findings and any recommendations to the joint standing committee of the Legislature having jurisdiction over legal affairs and the joint standing committee of the Legislature having jurisdiction over housing and economic development matters no later than January 1, 1996.

Many of the issues in LD 1638, An Act to Strengthen Enforcement of Manufactured Housing Warranties, were incorporated into the committee amendment.

The amendment also adds an allocation section and a fiscal note and conforms existing law to current drafting standards.

HOUSE AMENDMENT "A" (H-992) TO COMMITTEE AMENDMENT "A" clarifies the intent of the committee amendment by specifying that written notice of a defect tolls the statute of limitations for the purpose of bringing an action related to that specific defect.

**LD 1495      An Act to Amend the Laws Governing Inspection of Ballots      ONTP**

<b>SPONSOR(S)</b> DIPIETRO	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

This bill would have amended the laws concerning the inspection of ballots and incoming voting lists by candidates for municipal offices. Many of the issues in this bill were incorporated into LD 1506, An Act to Amend the Laws Governing Municipal Elections.

This bill was carried over from the First Regular Session.

**LD 1506      An Act to Amend the Laws Governing Municipal Elections      PUBLIC 608**

<b>SPONSOR(S)</b> SIMONDS	<b>COMMITTEE REPORT</b> OTP-AM	<b>AMENDMENTS ADOPTED</b> H-901 H-921    BOWERS
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**SUMMARY**

This bill makes the following changes to municipal election law.

1. The bill changes the deadline for filing nomination papers for municipal office from 35 to 45 days before an election to allow more time for producing ballots.
2. The bill requires a candidate who wishes to withdraw from an election to notify the municipal clerk within 45 days of the election. The clerk must ensure that ballots are prepared to reflect the candidate's withdrawal.
3. The bill eliminates the requirement that absentee ballots be marked as such, making local election law identical with state election law in this regard.