



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1443

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S.P. 498

In Senate, April 13, 2017

### An Act To Update Professional and Occupational Licensing Laws

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator VOLK of Cumberland.

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

2 **PART A**

3 **Sec. A-1. 10 MRSA §1404, first ¶**, as amended by PL 1989, c. 717, §1, is further  
4 amended to read:

5 A statutory warranty is hereby established under which both the manufacturer and the  
6 dealer certify that to the best of their knowledge, the new ~~mobile~~ manufactured home is  
7 free from any substantial defects in the approved building systems, materials and  
8 workmanship. The dealer shall deliver the written warranty to the buyer at the time of  
9 sale, and the warranty ~~shall~~ must contain the following terms:

10 **Sec. A-2. 10 MRSA §1404, sub-§1**, as enacted by PL 1973, c. 435, is amended  
11 to read:

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

14 **Sec. A-3. 10 MRSA §1404, sub-§3**, as enacted by PL 1973, c. 754, §2, is  
15 amended to read:

16 **3. Liability.** That the manufacturer and dealer ~~shall be~~ are jointly and severally  
17 liable to the consumer for the fulfillment of the terms of warranty, and the consumer may  
18 notify either one or both of the need for appropriate corrective action in instances of  
19 substantial defects in the approved building systems, materials or workmanship;

20 **Sec. A-4. 10 MRSA §1404, sub-§5**, as amended by PL 1989, c. 717, §2, is  
21 further amended to read:

22 **5. Responsibility.** That, while the manufacturers of any ~~or all~~ appliances may also  
23 issue their own express warranties, the primary responsibility for appropriate corrective  
24 action under the warranty rests with the dealer and manufacturer, and the consumer  
25 should report all complaints to the dealer and manufacturer initially; and

26 **Sec. A-5. 10 MRSA §1404-A, sub-§§1 and 2**, as enacted by PL 1993, c. 642,  
27 §7, are amended to read:

28 **1. Approved building systems, materials and workmanship.** That the installation  
29 is free from any substantial defects in the approved building systems, materials or  
30 workmanship;

31 **2. Corrective action.** That the installer or the installer and the dealer, when the  
32 dealer is responsible for the installation, shall take appropriate corrective action at the site  
33 of the manufactured housing in instances of substantial defects in the approved building  
34 systems, materials or workmanship that become evident within one year from the date of  
35 the installation of the manufactured housing if the buyer or the buyer's transferee gives  
36 written notice of the defects to the installer or the installer and the dealer, when the dealer

1 is responsible for installation, at the installer's or the installer's and the dealer's business  
2 addresses no later than one year and 10 days after the date of installation;

3 **PART B**

4 **Sec. B-1. 10 MRSA §9001, sub-§1, ¶D**, as amended by PL 2005, c. 678, §2 and  
5 affected by §13, is further amended to read:

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

12 **Sec. B-2. 10 MRSA §9002, sub-§2-B** is enacted to read:

13 **2-B. Educational facility.** "Educational facility" means an academic institution  
14 providing education designed to provide career and technical training to its students  
15 through the construction of no more than 2 manufactured homes annually. "Educational  
16 facility" includes but is not limited to career or technical schools, high schools and  
17 postsecondary programs.

18 **Sec. B-3. 10 MRSA §9002, sub-§3**, as repealed and replaced by PL 1981, c. 152,  
19 §3, is amended to read:

20 **3. Federal manufactured home construction and safety standard.** "Federal  
21 Manufactured Housing Construction and Safety Standard manufactured home  
22 construction and safety standard" means a reasonable the standard for the construction,  
23 design and performance of a manufactured home which that meets the needs of the public  
24 including the need for quality, durability and safety which and that has been duly adopted  
25 by the Federal Government pursuant to the National Manufactured Housing Construction  
26 and Safety Standards Act of 1974, as amended by the Manufactured Housing  
27 Improvement Act of 2000, 42 United States Code, Section 5401, et seq.

28 **Sec. B-4. 10 MRSA §9002, sub-§5**, as enacted by PL 1977, c. 550, §1, is  
29 amended to read:

30 **5. Inspection agency.** "Inspection agency" means an approved person or  
31 organization, public or private, determined by the board to be qualified by reason of  
32 facilities, personnel and demonstrated ability and independence of judgment to provide  
33 for inspection and approval of the design construction or installation of manufactured  
34 housing in compliance with the standards and the ~~regulations promulgated~~ rules adopted  
35 in accordance with this Act.

36 **Sec. B-5. 10 MRSA §9002, sub-§6**, as repealed and replaced by PL 2001, c. 260,  
37 Pt. A, §1, is amended to read:

38 **6. Installation.** "Installation" means:

1 A. The ~~affixing~~ placing of manufactured housing on ~~foundations~~ a foundation or  
2 supports at a building site; and

3 B. The assembly and fastening of structural components of manufactured housing,  
4 including the completed roof system, as specified by the manufacturer's installation  
5 instructions and in accordance with the rules of the board.

6 For manufactured housing as defined in subsection 7, paragraphs A and C, "installation"  
7 also includes the connection to existing services, including but not limited to electrical,  
8 oil, gas, water, sewage and similar systems that are necessary for the use of the  
9 manufactured housing for dwelling purposes.

10 **Sec. B-6. 10 MRSA §9002, sub-§7, ¶B**, as amended by PL 2005, c. 344, §4, is  
11 further amended to read:

12 B. State-certified modular homes, which are those units that the manufacturer  
13 certifies are constructed in compliance with ~~the State's Manufactured Housing~~ this  
14 Act and ~~regulations~~ rules, meaning structures, transportable in one or more sections,  
15 that are not constructed on a permanent chassis and are designed to be used as  
16 dwellings on foundations when connected to required utilities, including the  
17 plumbing, heating, air-conditioning or electrical systems contained therein.  
18 "Manufactured housing" does not include modular homes constructed at educational  
19 facilities by students for educational purposes pursuant to the limitations of  
20 subsection 3;

21 **Sec. B-7. 10 MRSA §9002, sub-§12** is enacted to read:

22 **12. Person.** "Person" means an individual or entity, including but not limited to a  
23 corporation, partnership, firm, organization, company, homeowner, consumer or  
24 purchaser.

25 **Sec. B-8. 10 MRSA §9003, sub-§2, ¶F**, as repealed and replaced by PL 1995, c.  
26 462, Pt. A, §26, is amended to read:

27 F. One member who is an owner or operator of a ~~mobile home park with more than~~  
28 ~~15 lots~~ manufactured housing community;

29 **Sec. B-9. 10 MRSA §9006, sub-§1**, as amended by PL 1993, c. 642, §13, is  
30 further amended to read:

31 **1. Standards.** The board shall, by rule, set uniform reasonable standards for the  
32 installation of manufactured homes, including, but not limited to, standards for  
33 foundations, supports, anchoring ~~and~~, underpinning and skirting of manufactured homes  
34 installed in this State.

35 **Sec. B-10. 10 MRSA §9006-B**, as enacted by PL 1993, c. 186, §1, is amended to  
36 read:

1           **§9006-B. Formaldehyde emissions; disclosure**

2           In addition to requiring that the "Health Notice on Formaldehyde Emissions" set out  
3           in 24 Code of Federal Regulations 53280.309 be prominently displayed in each  
4           manufactured housing unit sold in the State and provided as part of the Manufactured  
5           Home Consumer Manual provided to each purchaser of a new manufactured home, the  
6           board shall require that a copy of that notice be provided to a purchaser of a new ~~mobile~~  
7           manufactured home at the time of execution of the purchase and sales agreement, and that  
8           each purchaser sign a certification, provided at the bottom of that notice, that the  
9           purchaser has read and understood the contents of the notice before signing the purchase  
10          and sales agreement.

11          **Sec. B-11. 10 MRSA §9008, sub-§1**, as amended by PL 2005, c. 344, §7, is  
12          further amended to read:

13          **1. Licenses.** A person may not manufacture, sell, broker, distribute, install or service  
14          any manufactured housing in this State regardless of the destination of the housing  
15          without first obtaining a license from the board as required in this chapter.

16          **Sec. B-12. 10 MRSA §9009, sub-§3**, as amended by PL 2007, c. 402, Pt. D, §5,  
17          is further amended to read:

18          **3. Remedies for manufacturing and building system defects.** The board staff may  
19          investigate ~~at~~ any complaints made to the board of noncompliance with or violation of  
20          chapter 213 or a warranty applicable to the sale of manufactured housing. If the board  
21          finds, after hearing, that a manufacturer, dealer or developer dealer has sold, or is making  
22          available for sale, manufactured housing that poses a threat to public health or safety or  
23          has failed to comply with chapter 213 or an applicable warranty, express or implied, the  
24          board may order the manufacturer, dealer or developer dealer or any combination thereof  
25          to take appropriate corrective action. Corrective action may include, but is not limited to,  
26          reimbursing consumers for repairs that are covered by warranty and made by the  
27          consumer if the consumer notifies the dealer, developer dealer or manufacturer in writing  
28          of the defect within a reasonable time prior to undertaking the repairs and the board finds  
29          that the repairs are or were necessary to correct or prevent an imminent threat to health or  
30          safety or to the structure of the manufactured housing. The board may also revoke or  
31          suspend the license of the manufacturer, dealer, developer dealer or any combination  
32          thereof to prevent any future threat to public health or safety. Notwithstanding the  
33          provisions of ~~Title 10~~, section 8003, subsection 5-A, revocations ordered by the board are  
34          subject to judicial review exclusively in the Superior Court in accordance with Title 5,  
35          chapter 375, subchapter 7. This subsection applies to any new manufactured housing that  
36          is sold to a consumer after January 1, 1993.

37          **Sec. B-13. 10 MRSA §9011, sub-§1**, as enacted by PL 1977, c. 550, §1, is  
38          amended to read:

39          **1. Inspection of violations.** The board may, upon complaint or probable cause,  
40          inspect the manufactured housing, manufacturing facilities, a licensee's business facilities  
41          or such records as may be necessary to verify whether a violation has occurred. If the  
42          board finds that a violation has occurred, it shall proceed ~~as in~~ pursuant to section 9009.

1           **Sec. B-14. 10 MRSA §9021, sub-§1**, as amended by PL 2007, c. 402, Pt. D, §7,  
2 is further amended to read:

3           **1. Licenses required.** Any person who engages in the business of manufacturing,  
4 brokering, distributing, selling, installing or servicing manufactured housing, regardless  
5 of the destination of the housing, must first obtain a license issued by the board. The  
6 board shall, within a reasonable time, issue a license to any person who intends to  
7 manufacture, sell, install or service manufactured housing in this State subject to filing  
8 and approval of an application. Any person who is licensed to conduct these activities by  
9 other state or federal law is exempt from this requirement when the law provides for  
10 specific authority to provide a particular service or preempts the requirement for such a  
11 license. Active licensees of the Real Estate Commission are exempt from the licensing  
12 requirement for selling or brokering used manufactured housing and new manufactured  
13 housing if such housing is sold or offered for sale by a licensee of the board.

14           **Sec. B-15. 10 MRSA §9021, sub-§2-A**, as amended by PL 2009, c. 241, Pt. A,  
15 §4 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

16           **2-A. Fees.** The Director of the Office of Professional and Occupational Regulation  
17 within the Department of Professional and Financial Regulation may establish by rule  
18 fees for purposes authorized under this chapter in amounts that are reasonable and  
19 necessary for their respective purposes. The license fee to operate a ~~mobile home park~~  
20 manufactured housing community pursuant to subchapter 6 may not exceed a base fee of  
21 \$60 plus an additional amount of up to \$6 per ~~mobile~~ manufactured home site. This fee  
22 must accompany each license application, including applications for ~~mobile home park~~  
23 manufactured housing community expansion and license renewal. The review and  
24 evaluation fees authorized by section 9083 may not exceed the actual cost of the review  
25 or evaluation. The fee for any inspection authorized by this chapter may not exceed the  
26 actual cost of the inspection. The fee for each warranty seal required by section 9006-C,  
27 subsections 1 and 2 and each new dwelling unit required by section 9045 may not exceed  
28 \$200. The fee for any other purpose authorized by this chapter may not exceed \$200  
29 annually. Rules adopted pursuant to this subsection are routine technical rules as defined  
30 in Title 5, chapter 375, subchapter 2-A.

31           **Sec. B-16. 10 MRSA §9022, sub-§3**, as enacted by PL 1977, c. 550, §1, is  
32 amended to read:

33           **3. Mechanics.** Licensed mechanics may install or service ~~manufactured housing~~  
34 HUD-code homes and pre-HUD-code homes and are exempt from any other licensing  
35 requirements of any state or political subdivisions, but must obtain any permits required.

36           **Sec. B-17. 10 MRSA §9022, sub-§4**, as enacted by PL 1999, c. 386, Pt. C, §3, is  
37 amended to read:

38           **4. Installers.** Licensed installers may install ~~manufactured housing~~ and service  
39 state-certified modular homes and are exempt from any other licensing requirements of  
40 any state or political subdivisions but must obtain any permits required.

1           **Sec. B-18. 10 MRSA §9043, sub-§2, ¶B**, as enacted by PL 1981, c. 152, §14, is  
2 amended to read:

3           B. The local enforcement agency ~~se~~ reports the compliance to the board in such form  
4 and detail as the board may reasonably require.

5           **Sec. B-19. 10 MRSA §9043, sub-§4**, as enacted by PL 1981, c. 152, §14, is  
6 amended to read:

7           **4. Certification.** The manufacturer of that housing, regardless of the approval  
8 alternative used, shall certify that the manufactured housing conforms to all applicable  
9 standards whether adopted by the board or local enforcement agency, as the case may be,  
10 and that manufacturer's certification ~~shall~~ must be permanently affixed to the  
11 manufactured housing in accordance with such requirements as the board may by  
12 ~~regulation rule~~ prescribe. ~~Affixation~~ Attaching of a certificate to manufactured housing  
13 ~~shall signify~~ signifies the manufacturer's representation and warranty to all purchasers of  
14 the housing that the housing was manufactured in accordance with all applicable  
15 standards of the board or the local enforcement agency, as the case may be, in effect on  
16 the date of manufacture.

17           **Sec. B-20. 10 MRSA §9044, sub-§3**, as enacted by PL 1981, c. 152, §14, is  
18 amended to read:

19           **3. Suspension of qualification.** Qualification of an inspection agency ~~shall~~ must be  
20 suspended by the board if, after appropriate notice and administrative hearing, it  
21 determines the agency is no longer qualified as meeting the standards adopted pursuant to  
22 subsection 1. The board may request information and documentation and may conduct  
23 such reviews and inspections of the work of a qualified agency as the board determines  
24 are necessary to reasonably ~~assure~~ ensure continuing compliance of the qualified agency  
25 with the standards adopted pursuant to subsection 1.

26           **Sec. B-21. 10 MRSA §9046**, as amended by PL 2005, c. 344, §21, is further  
27 amended to read:

28           **§9046. Complaint investigation**

29           Upon complaint by any person concerning an alleged violation of this chapter, the  
30 board ~~shall~~ may investigate and determine, or ~~shall~~ may cause to be investigated and  
31 determined, whether the unit complies with established ~~regulations~~ rules. The board shall  
32 notify the complainant of the complainant's right to relief under section 9011, subsection  
33 4. If the board determines the defect occurred in other similar manufactured housing, the  
34 board shall notify all ascertainable purchasers of the housing, in accordance with the  
35 records obtained from the manufacturer and dealer of their possible right of action under  
36 this subchapter. Failure of the manufacturer, dealer or developer dealer to retain  
37 reasonable business records or to provide access to those records in response to a request  
38 by the board pursuant to this subchapter is a violation of this chapter.

39           **Sec. B-22. 10 MRSA §9047, sub-§3**, as enacted by PL 1981, c. 152, §14, is  
40 amended to read:

1           **3. Corrections.** The licensed person responsible for ~~a~~ noncompliance with the  
2 standards adopted by the board or for the creation of a safety hazard shall promptly ~~effect~~  
3 make or cause to be made such repairs and modifications as may be necessary to correct  
4 the nonconformance or eliminate the safety hazard. Any licensed person who fails to  
5 make these repairs or modifications ~~shall be~~ is subject to section 9009.

6           **Sec. B-23. 10 MRSA §9051, sub-§§1 and 2,** as repealed and replaced by PL  
7 1981, c. 152, §15, are amended to read:

8           **1. Violation.** The board ~~shall~~ may cause to be investigated any complaint of an  
9 alleged violation by any licensee or of any ~~regulations~~ rules adopted by the board, either  
10 by its own inspector or any authorized agency to determine the validity of the complaint.

11           A. Within one year and 10 days after installation, any home buyer of new  
12 manufactured housing may file a complaint about any defective construction or  
13 installation defect.

14           B. Any person having knowledge of a violation of this chapter may file a complaint  
15 within one year of that violation.

16           **2. Form.** Complaints ~~are to be made on a form prescribed~~ may be made in any form  
17 as approved by the board ~~providing whatever,~~ as long as the complaint includes all  
18 information the board deems considers necessary.

19           **Sec. B-24. 10 MRSA §9061, sub-§6,** as enacted by PL 1981, c. 152, §16, is  
20 amended to read:

21           **6. Manufacturer.** "Manufacturer" means any person engaged in manufacturing or  
22 assembling manufactured homes, regardless of the destination of the homes, including  
23 any person engaged in importing homes for resale.

24           **Sec. B-25. 10 MRSA §9065,** as amended by PL 1995, c. 353, §4, is further  
25 amended to read:

26           **§9065. Inspections**

27           The department, by authorized representatives, may enter, at reasonable times, any  
28 factory, warehouse or establishment in which manufactured ~~housing is~~ homes are  
29 manufactured, stored or held for sale for the purpose of ascertaining whether the  
30 requirements of the federal manufactured housing construction and safety standards and  
31 the rules of the department have been and are being met.

32           **Sec. B-26. 10 MRSA §9066, sub-§1, ¶¶A and D,** as amended by PL 1993, c.  
33 642, §35, are further amended to read:

34           A. To manufacture for sale, lease, sell, offer for sale or lease or introduce, deliver or  
35 import into the State any manufactured housing that is manufactured on or after the  
36 effective date of any applicable federal manufactured ~~housing~~ home construction and  
37 safety standard that does not comply with that standard;

1 D. To fail to issue a certification required by 42 United States Code, Section 5415 or  
2 to issue a certification to the effect that a manufactured home conforms to all  
3 applicable federal manufactured ~~housing~~ home construction and safety standards, if  
4 that person in the exercise of due care has reason to know that the certification is  
5 false or misleading in a material respect;

6 **Sec. B-27. 10 MRSA §9066, sub-§3**, as enacted by PL 1981, c. 152, §16, is  
7 amended to read:

8 **3. Persons who did not have reason to know that the home is not in conformity**  
9 **with standards.** Subsection 1, paragraph A, ~~shall~~ does not apply to any person who  
10 establishes that ~~he~~ the person did not have reason to know in the exercise of due care that  
11 the manufactured home is not in conformity with applicable federal manufactured  
12 ~~housing~~ home construction and safety standards; or any person who, prior to the first  
13 purchase, holds a certificate by the manufacturer or importer of the manufactured home to  
14 the effect that the manufactured home conforms to all applicable federal manufactured  
15 ~~housing~~ home construction and safety standards, unless the person knows that the  
16 manufactured home does not so conform.

17 **Sec. B-28. 10 MRSA §9081, sub-§1**, as enacted by PL 1983, c. 553, §17, is  
18 amended to read:

19 **1. Manufactured home.** "~~Mobile~~ Manufactured home" means a structure,  
20 transportable in one or more sections ~~which, that~~ is 8 body feet or more in width and is 32  
21 body feet or more in length and ~~which that~~ is built on a permanent chassis and designed  
22 to be used as a dwelling with or without a permanent foundation when connected to the  
23 required utilities and includes the plumbing, heating, air conditioning and electrical  
24 systems contained therein.

25 **Sec. B-29. 10 MRSA §9081, sub-§2**, as amended by PL 1991, c. 391, §7, is  
26 further amended to read:

27 **2. Manufactured housing community.** "~~Mobile home park~~ Manufactured housing  
28 community" means a parcel or adjoining parcel of land, under single ownership, that has  
29 been planned and improved for the placement of 3 or more ~~mobile~~ manufactured homes,  
30 but does not include a construction camp.

31 **Sec. B-30. 10 MRSA §9082**, as enacted by PL 1983, c. 553, §17, is amended to  
32 read:

33 **§9082. License required**

34 No A person, ~~corporation, firm or copartnership~~ may not conduct, control, manage or  
35 operate, for compensation, directly or indirectly, any ~~mobile home park, manufactured~~  
36 housing community unless licensed by the board. Licenses issued ~~shall~~ must be  
37 displayed in a place readily visible to customers or other persons using a licensed  
38 establishment.

1 Any person, ~~corporation, firm or copartnership~~ desiring a license shall submit  
2 satisfactory evidence, in a form acceptable to the board, of ~~its~~ that person's ability to  
3 comply with the minimum standards of this subchapter and all ~~regulations~~ rules adopted  
4 ~~thereunder~~ under this subchapter.

5 **Sec. B-31. 10 MRSA §9083**, as repealed and replaced by PL 2007, c. 402, Pt. D,  
6 §13, is amended to read:

7 **§9083. Fees**

8 Application and license fees for ~~mobile home parks~~ manufactured housing  
9 communities are set under section 9021, subsection 2-A, including applications for  
10 ~~mobile home park~~ manufactured housing community expansion and license renewal.  
11 Fees ~~may~~ are also be set under section 9021, subsection 2-A for ~~mobile home park~~  
12 manufactured housing community inspections; for the cost of reviewing engineering and  
13 site plans; for costs incurred in evaluating an applicant's eligibility for licensure as a  
14 ~~mobile home park~~ manufactured housing community; and for costs incurred in evaluating  
15 a licensee's ongoing compliance with the requirements of this subchapter and the rules of  
16 the board. Failure to pay costs billed to an applicant or licensee within 90 days of the  
17 billing date constitutes grounds for license revocation, unless an extension for an  
18 additional period not to exceed 90 days is granted in writing by the board.

19 **Sec. B-32. 10 MRSA §9084, first ¶**, as amended by PL 2009, c. 241, Pt. A, §7, is  
20 further amended to read:

21 The board shall, within 30 days following receipt of application, issue a license to  
22 operate any ~~mobile home park~~ manufactured housing community that is found to comply  
23 with this subchapter and the rules adopted by the board.

24 **Sec. B-33. 10 MRSA §9084, 2nd ¶**, as amended by PL 1993, c. 642, §38, is  
25 further amended to read:

26 When any applicant is found, based upon an inspection by the board or by municipal  
27 inspection made according to section 9088, not in compliance with the requirements of  
28 this subchapter or rules adopted and approved pursuant to section 9085 or section 9088,  
29 subsection 1, the board may refuse issuance of the initial license but ~~shall~~ may issue a  
30 conditional license with such terms and conditions as required by the board except when  
31 conditions are found that present a danger to the health and safety of the public. A  
32 conditional license may not exceed 90 days. Failure by the conditional licensee to meet  
33 the terms and conditions specified permits the board to void the conditional license.

34 **Sec. B-34. 10 MRSA §9084, 4th ¶**, as amended by PL 2007, c. 402, Pt. D, §14,  
35 is further amended to read:

36 Upon the written request of the board, the Department of Health and Human  
37 Services, Maine Center for Disease Control and Prevention shall provide such technical  
38 services as may be required by the board to assist with inspections and licensing of new  
39 ~~mobile home parks~~ manufactured housing communities. The department may assess the

1 ~~mobile home park~~ manufactured housing community owner a reasonable fee for these  
2 services.

3 **Sec. B-35. 10 MRSA §9085**, as amended by PL 1995, c. 381, §1 and PL 2003, c.  
4 689, Pt. B, §6, is further amended to read:

5 **§9085. Rules**

6 The board may make and enforce all necessary rules for the administration of this  
7 subchapter, and may repeal or amend such rules from time to time as may be in the public  
8 interest, insofar as that action is not in conflict with any of the provisions of this  
9 subchapter. ~~All rules of the Department of Health and Human Services governing mobile~~  
10 ~~home parks in effect on the effective date of this subchapter remain in effect for a period~~  
11 ~~not to exceed one year, unless sooner amended or repealed by the board. The board shall~~  
12 ~~accept as compliance with its rules documentation submitted by a seasonal mobile home~~  
13 ~~park that substantially similar provisions required by other federal or state agencies have~~  
14 ~~been met that duplicate provisions required by the board regarding matters of safety and~~  
15 ~~health. In cases where there are federal and state laws, rules or regulations containing~~  
16 ~~similar provisions, the stricter standard must apply.~~

17 **Sec. B-36. 10 MRSA §9086**, as enacted by PL 1983, c. 553, §17, is amended to  
18 read:

19 **§9086. Right of entry and inspection**

20 The board and any duly designated officer or employee thereof may enter upon the  
21 premises of any ~~mobile home park~~ manufactured housing community licensed pursuant  
22 to this subchapter at any reasonable time in order to determine the state of compliance  
23 with this subchapter and any rules in force pursuant ~~thereto to this subchapter~~. The right  
24 of entry and inspection ~~shall extend~~ extends to any premises ~~which~~ under its jurisdiction  
25 that the board has reason to believe are being operated or maintained without a license,  
26 but no such entry or inspection of any premises may be made without the permission of  
27 the owner or person in charge ~~thereof~~ of the premises or, after hearing, upon order of the  
28 court.

29 **Sec. B-37. 10 MRSA §9087, first ¶**, as enacted by PL 1983, c. 553, §17, is  
30 amended to read:

31 Any person, ~~corporation, firm or copartnership~~ who ~~shall operate~~ operates any ~~mobile~~  
32 ~~home park~~ manufactured housing community without first obtaining a license as required  
33 by this subchapter is guilty of a Class E crime. Each day any such person, ~~corporation,~~  
34 ~~firm or copartnership~~ operates the manufactured housing community without obtaining a  
35 license constitutes a separate offense.

36 **Sec. B-38. 10 MRSA §9088, first ¶**, as enacted by PL 1983, c. 553, §17, is  
37 amended to read:

38 Notwithstanding any other provisions of this subchapter, the board may issue a  
39 license to ~~mobile home parks, as defined in section 9081,~~ a manufactured housing

1 community on the basis of an inspection performed by an inspector who works for and is  
2 compensated by the municipality in which the establishment is located, but only if the  
3 following conditions have been met.

4 **Sec. B-39. 10 MRSA §9090**, as enacted by PL 1999, c. 203, §1, is amended to  
5 read:

6 **§9090. Municipal foreclosure; unlicensed manufactured housing communities**

7 Notwithstanding any other provision of law, a municipality that, as a result of the  
8 nonpayment of property taxes, forecloses and takes possession of real estate on which is  
9 located an unlicensed ~~mobile home park~~ manufactured housing community may, if the  
10 municipality determines the ~~park~~ manufactured housing community poses a risk to public  
11 health, welfare or safety, close the ~~park~~ manufactured housing community and, with at  
12 least 30 days' prior written notice, evict the inhabitants of the ~~park~~ community. A  
13 municipality that takes possession of real estate on which is located an unlicensed ~~mobile~~  
14 ~~home park~~ manufactured housing community does not enter a landlord and tenant  
15 relationship with any inhabitant of the ~~park~~ community and is not subject to the  
16 provisions of chapter 953 or any other laws governing relations between a landlord and  
17 tenant. This section does not apply to a municipality that is or becomes the licensed  
18 operator of the ~~mobile home park~~ manufactured housing community.

19 **Sec. B-40. 14 MRSA §6001, sub-§1**, as amended by PL 1995, c. 372, §1, is  
20 further amended to read:

21 **1. Persons against whom process may be maintained.** Process of forcible entry  
22 and detainer may be maintained against a disseisor who has not acquired any claim by  
23 possession and improvement; against a tenant holding under a written lease or contract or  
24 person holding under such a tenant; against a tenant where the occupancy of the premises  
25 is incidental to the employment of a tenant; at the expiration or forfeiture of the term,  
26 without notice, if commenced within 7 days from the expiration or forfeiture of the term;  
27 against a tenant at will, whose tenancy has been terminated as provided in section 6002;  
28 and against ~~mobile home~~ manufactured housing owners and tenants pursuant to Title 10,  
29 chapter 951, subchapter ~~VI~~ 6. When there are multiple occupants of an apartment or  
30 residence, the process of forcible entry and detainer is effective against all occupants if  
31 the plaintiff names as parties "all other occupants" together with all adult individuals  
32 whose names appear on the lease or rental agreement for the premises or whose tenancy  
33 the plaintiff has acknowledged by acceptance of rent or otherwise.

34 **Sec. B-41. 33 MRSA §589, sub-§6**, as amended by PL 2013, c. 209, §5, is  
35 further amended to read:

36 **6. Membership camping operator.** "Membership camping operator" means any  
37 person who offers camping or outdoor recreational opportunities through the use of  
38 camping sites and who solicits membership camping contracts paid for in cash, by  
39 installment or periodic payments, including annual fees, by which the purchasers of  
40 memberships obtain the right to use camping sites or other camping or recreational  
41 facilities of the membership camping operator. "Membership camping operator" does not  
42 include ~~mobile home parks~~ manufactured housing communities as defined in Title 10,

1 section 9081. A membership camping operator is not a landlord pursuant to the landlord  
2 and tenant laws as provided in Title 14.

3 **Sec. B-42. Maine Revised Statutes headnote amended; revision clause.** In  
4 the Maine Revised Statutes, Title 10, chapter 951, subchapter 6, in the subchapter  
5 headnote, the words "mobile home parks" are amended to read "manufactured housing  
6 communities" and the Revisor of Statutes shall implement this revision when updating,  
7 publishing or republishing the statutes.

8 **PART C**

9 **Sec. C-1. 32 MRSA §1501, first ¶**, as amended by PL 2007, c. 402, Pt. J, §8, is  
10 further amended to read:

11 The State Board of Funeral Service may determine the qualifications necessary to  
12 enable any person to lawfully engage in the funeral service profession and operate a  
13 funeral establishment. The board shall examine all applicants for licenses for the practice  
14 of funeral service and shall issue a license to all persons who successfully pass that  
15 examination and pay the fee as set under section 1504. To be licensed for the practice of  
16 funeral service under this chapter, a person must be at least 18 years of age, ~~a resident of~~  
17 ~~this State~~, must have successfully completed a prescribed course at a school or schools  
18 approved by the State Board of Funeral Service and must have served as a practitioner  
19 trainee for not less than 12 months under the personal supervision of a person licensed for  
20 the practice of funeral service and approved by the board. Each applicant shall  
21 demonstrate trustworthiness and competency to engage in the profession of funeral  
22 service in such a manner as to safeguard the interests of the public.

23 **Sec. C-2. 32 MRSA §1503-A**, as amended by PL 2007, c. 402, Pt. J, §11, is  
24 further amended to read:

25 **§1503-A. Practitioner trainee**

26 In order for any person to receive credit for time served as a practitioner trainee, that  
27 person must have served 2,000 hours of employment with a funeral establishment  
28 approved by the State Board of Funeral Service under the instruction and supervision of a  
29 person licensed for the practice of funeral service and actively engaged in that practice,  
30 and must be licensed as a practitioner trainee with the board. Upon terminating  
31 employment, the practitioner trainee shall notify the board immediately, giving the date  
32 of termination. The practitioner trainee must repeat this procedure with all subsequent  
33 employers, accurately showing the dates of beginning and of terminating ~~apprenticeship~~  
34 employment. Before a funeral service license may be issued, the practitioner trainee must  
35 file with the board a certification of the trainee time served, signed by the practitioner  
36 trainee's employer or employers, before a notary public. Practitioner trainee requirements  
37 are satisfied in the case of an applicant who presents proof of present licensure as a  
38 practitioner of funeral service in another state at the time application is made for licensure  
39 as a practitioner of funeral service in this State.

40 **Sec. C-3. 32 MRSA §1503-B** is enacted to read:





1 **PART F**

2 **Sec. F-1. 32 MRSA §13067-A, sub-§9**, as enacted by PL 2007, c. 402, Pt. BB,  
3 §12, is amended to read:

4 **9. Suspension or revocation of license.** Having had a professional or occupational  
5 license ~~suspended or revoked for disciplinary reasons or an~~ application rejected for  
6 reasons related to untrustworthiness within 3 years prior to the date of application or had  
7 a professional or occupational license suspended or revoked for disciplinary reasons; and

8 **Sec. F-2. 32 MRSA §13180**, as enacted by PL 1987, c. 395, Pt. A, §212, is  
9 amended to read:

10 **§13180. Termination of employment**

11 When any broker, associate broker or real estate sales agent is discharged or  
12 terminates his employment with a brokerage agency, ~~it shall be the duty of the designated~~  
13 broker ~~to shall immediately deliver the license of the broker, associate broker or real~~  
14 ~~estate sales agent to the commission. The designated broker shall simultaneously address~~  
15 send a communication to the last known address of the broker, associate broker or sales  
16 agent advising the broker, associate broker or sales agent that ~~his license has been~~  
17 ~~delivered or mailed to the commission has been notified.~~ ~~A~~ The designated broker shall  
18 deliver a copy of the communication ~~shall accompany the license when delivered to the~~  
19 commission.

20 Upon receipt of the notice of termination by the licensee, the license ~~shall become~~ is  
21 void and may only be reinstated or placed on inactive status after proper application and  
22 payment of the prescribed fee. It is unlawful for any broker, associate broker or real estate  
23 sales agent to perform any brokerage services without first receiving a new active license.

24 **Sec. F-3. 32 MRSA §13182**, as amended by PL 2007, c. 402, Pt. BB, §19, is  
25 further amended to read:

26 **§13182. Agency license renewal**

27 Agency licenses expire on December 31st, or at such times as the Commissioner of  
28 Professional and Financial Regulation may designate, of each biennial period for which it  
29 was issued. Upon application and payment of the fee as set under section 13007, a  
30 renewal license is issued for each ensuing biennial period in the absence of any reason or  
31 condition that might warrant denial of a license. The suspension, revocation or expiration  
32 of an agency or designated broker's license automatically ~~suspends~~ voids every license  
33 granted to any person by virtue of the person's employment by the agency whose license  
34 has been suspended, revoked or expired pending a change of employer and the issuance  
35 of a new license. The new license is issued without charge if granted during the same  
36 biennial period in which the original was granted.

37 **Sec. F-4. 32 MRSA §13183**, as enacted by PL 1987, c. 395, Pt. A, §212, is  
38 amended to read:



1 The seller shall promptly notify the department of all changes or additions in the  
2 information required by this section.

3 Knowingly, intentionally or recklessly making a false statement in an application is  
4 grounds for denial of the application or revocation of the license; ~~and~~.

5 **Sec. G-3. 32 MRSA §14507, sub-§4**, as enacted by PL 1993, c. 444, §1, is  
6 repealed.

7 **PART H**

8 **Sec. H-1. 32 MRSA §15109, sub-§1, ¶B**, as enacted by PL 1995, c. 560, Pt. H,  
9 §14 and affected by §17, is repealed.

10 **Sec. H-2. 32 MRSA §15109, sub-§3, ¶B**, as enacted by PL 1995, c. 560, Pt. H,  
11 §14 and affected by §17, is repealed.

12 **Sec. H-3. 32 MRSA §15113, last ¶**, as amended by PL 2013, c. 70, Pt. C, §28, is  
13 further amended to read:

14 If a boiler or pressure vessel subject to this section is moved from one location to  
15 another, notice must be given to the director of the removal and of the new location in  
16 which the boiler or pressure vessel is to be set up.

17 **PART I**

18 **Sec. I-1. 32 MRSA §18133, sub-§2, ¶B**, as amended by PL 2015, c. 169, §5, is  
19 further amended to read:

20 B. Six months of licensed practical experience as an apprentice oil burner technician  
21 or solid fuel technician and completion of ~~an~~ a board-approved oil burner or solid  
22 fuel technician course at a community college, career and technical education center  
23 or career and technical education region or a comparable institute in the State or  
24 another state consisting, at a minimum, of 160 hours of study, of which at least 75  
25 hours are made up of laboratory work on oil burning equipment and related systems;  
26 or

27 **Sec. I-2. 32 MRSA §18135**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected  
28 by Pt. E, §2, is amended to read:

29 **§18135. Propane and natural gas technician**

30 **1. Scope of license.** A propane and natural gas technician may install, repair or  
31 service propane or natural gas equipment and must be authorized in one or more of the  
32 following authorities:

33 A. Appliance connection and service, which permits the technician to install and  
34 service propane and natural gas appliances up to 500,000 BTUs per appliance;

- 1 B. Delivery, which permits the technician to deliver propane, either by liquid transfer  
2 into a stationary container on the property of the consumer or by placing a portable  
3 container on the property of the consumer;
- 4 C. Large equipment connection and service, which permits the technician to install  
5 and service propane and natural gas appliances over 500,000 BTUs per appliance;
- 6 D. Plant operation, which permits the technician to work at a propane facility as  
7 defined in NFPA standards, Number 58; or
- 8 E. Tank setting and outside piping, which permits the technician to set and maintain  
9 propane tanks and outside piping.

10 **2. Professional qualifications.** Each applicant for a propane and natural gas  
11 technician license must pass an examination approved by the board and meet one of the  
12 following qualifications:

- 13 A. Successful completion of the certified employee training program of a national  
14 propane gas association; or
- 15 B. Successful completion of a board-approved propane or natural gas course at a  
16 Maine community college, career and technical education center or career and  
17 technical education region or a comparable institute of this State or another state and  
18 passage of an examination approved by the board.

19 An out-of-state applicant must present satisfactory evidence to the board of experience in  
20 installing, cleaning, servicing, altering and repairing propane and natural gas burning  
21 equipment.

22 **Sec. I-3. 32 MRSA §18138**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected  
23 by Pt. E, §2, is amended to read:

24 **§18138. Oil energy auditor**

25 **1. Scope of license.** ~~A limited~~ An oil energy auditor's privileges to practice are  
26 restricted to the performance of combustion safety and efficiency testing on oil-fired  
27 space-heating equipment or water-heating equipment to ensure health and safety  
28 standards and do not include any adjustment of oil-fired space-heating equipment or  
29 water-heating equipment.

30 **2. Professional qualifications.** ~~A limited~~ An oil energy auditor must provide to the  
31 board, at a minimum, satisfactory evidence of relevant training and written and field  
32 certification that conform to standards established by a nationally recognized building  
33 performance industry certification and quality assurance program, the equivalent  
34 residential energy auditor certification program in the State or an equivalent training and  
35 education program as determined by the board.

36 **Sec. I-4. 32 MRSA §18139**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected  
37 by Pt. E, §2, is amended to read:

1           **§18139. Propane and natural gas energy auditor**

2           **1. Scope of license.** A ~~limited~~ propane energy auditor's privileges are restricted to  
3 the performance of combustion safety and efficiency testing on natural gas-fired or  
4 propane gas-fired space-heating equipment or water-heating equipment to ensure health  
5 and safety standards and do not include any adjustment of natural or propane gas-fired  
6 space-heating equipment or water-heating equipment.

7           **2. Professional qualifications.** A ~~limited~~ propane energy auditor must provide to  
8 the board, at a minimum, satisfactory evidence of relevant training and written and field  
9 certification that conform to standards established by a nationally recognized building  
10 performance industry certification and quality assurance program, the equivalent  
11 residential energy auditor certification program in the State or an equivalent training and  
12 education program as determined by the board.

13           **Sec. I-5. 32 MRSA §18140**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected  
14 by Pt. E, §2, is amended to read:

15           **§18140. Tank installer**

16           **1. Scope of license.** A ~~limited~~ tank installer's privileges to practice are restricted to  
17 installing outside residential heating oil tanks at manufactured housing as defined by Title  
18 10, section 9002, subsection 7, paragraph A.

19           **2. Issuance of license.** The following provisions govern the issuance of a ~~limited~~  
20 tank installer's license.

21           A. A ~~limited~~ tank installer's license may be issued to:

22                   (1) A licensed manufactured housing mechanic as defined in Title 10, section  
23                   9002; or

24                   (2) The owner of a manufactured housing dealership for the ~~limited~~ purpose of  
25 installing heating oil tanks at manufactured housing that has been sold by the  
26 owner. The license is revoked upon the owner ceasing to operate as a  
27 manufactured housing dealer.

28           B. A ~~limited~~ tank installer's license may be issued jointly to a licensed manufactured  
29 housing dealer, as defined in Title 10, section 9002, and an individual employee of  
30 the dealer who is named as the corecipient of the joint ~~limited~~ tank installer's license.  
31 The corecipient dealer and employee are restricted to installing heating oil tanks at  
32 manufactured housing that was sold by the dealer. The joint ~~limited~~ tank installer's  
33 license is revoked upon termination of the employee named as the corecipient of the  
34 joint ~~limited~~ tank installer's license from the employ of the dealer.

35           **3. Professional qualifications.** A ~~limited~~ tank installer must provide satisfactory  
36 evidence to the board of completion of a board-approved training program of at least 4  
37 hours for proper installation of an outside oil tank.

38           **Sec. I-6. 32 MRSA §18141**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected  
39 by Pt. E, §2, is amended to read:



1           The bill repeals a reference to an examination committee that no longer exists and  
2 makes technical corrections to the laws governing boilers and pressure vessels.

3           The bill makes nonsubstantive clarifications in the Maine Fuel Board licensing laws  
4 and removes the term "limited" from certain licenses including energy auditor, tank  
5 installer and wood pellet technician.

6           The bill restores language concerning the Board of Dental Practice that was  
7 inadvertently omitted from a comprehensive revision of the laws governing dental  
8 practice enacted in the Second Regular Session of the 127th Legislature.