

**LD 2229 "AN ACT REGARDING MUNICIPAL INSPECTION OF THE ELECTRICAL AND PLUMBING COMPONENTS OF A MANUFACTURED HOME"**

**TESTIMONY OF PETER N. CONNELL**

**SENATOR CURRY, REPRESENTATIVE GERE AND DISTINGUISHED MEMBERS OF THE HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE, MY NAME IS PETER CONNELL, AND I RESIDE IN SOUTH PORTLAND, ME. I REPRESENT THE MANUFACTURED HOUSING ASSOCIATION OF MAINE (MHAM) AND I'M HERE TO TESTIFY IN OPPOSITION OF LD 2229. MORE ABOUT THAT LATER!**

**THE MANUFACTURED HOUSING ASSOCIATION OF MAINE (MHAM) IS A NON-PROFIT PROFESSIONAL TRADE ASSOCIATION THAT IS COMPRISED OF MEMBERS THAT BUILD HUD CODE MANUFACTURED HOMES AND MAINE CERTIFIED MODULAR HOMES, DEVELOP HOME SITES, DEVELOP AND OPERATE MANUFACTURED HOUSING COMMUNITIES, AND SELL MANUFACTURED AND MODULAR HOMES TO CONSUMERS. WE ALSO HAVE INDUSTRY SUPPLIERS, AS WELL AS LENDER MEMBERS THAT FINANCE HUD CODE AND MODULAR HOMES.**

**I AM ORIGINALLY FROM THE OXFORD HILLS AND HAVE BEEN PROUDLY INVOLVED WITH THE INDUSTRY FOR OVER 40 YEARS IN RETAIL SALES, MANUFACTURING AS WELL AS SERVING ON THE MAINE MANUFACTURED HOUSING BOARD FOR NEARLY 20 YEARS. WE FEEL THAT STREAMLINING THE MUNICIPAL PROCESS WILL BE HELPFUL TO ALL INVOLVED AND WILL ONLY HELP THE NUMBER OF HOMES THAT WILL DELIVERED AND OCCUPIED ON ANNUAL BASIS.**

OUR OBJECTION TO THE BILL AS WRITTEN, CAN BE ADDRESSED WITH A LANGUAGE CHANGE - SINCE THE FEDERAL ADOPTION OF THE HUD CODE ON JUNE 15, 1976, COMPLIANCE AND QUALITY HAS BEEN ASSURED BY AN INDEPENDANT THIRD PARTY INSPECTION AGENCY THAT HUD CERTIFIES. THERE HAS NEVER BEEN ANY REQUIREMENT BY HUD THAT THERE IS A NECESSITY TO HAVE SUPERVISION BY A LICENSED MASTER PLUMBER OR LICENSED MASTER ELECTRICIAN HIRED BY THE MANUFACTURER. HUD HAS EXCLUSIVE AND COMPLETE AUTHORITY AND ITS REGULATORY FRAMEWORK PLACES THE RESPONSIBILITY ON THE MANUFACTURER THROUGH APPROVED DESIGNS, QUALITY ASSURANCE PROGRAMS, TRAINING AND THIRD PARTY INSPECTIONS.

AS A FORMER MANUFACTURER, I NEVER HAD LICENSED MASTER ELECTRICIANS OR LICENSED MASTER PLUMBERS AS EMPLOYEES. I MUST SAY THAT THE IN PLANT TRAINING, INTERACTION WITH OUR THIRD PARTY, AND THE VOLUME OF EXPERIENCE SOMETIMES LED TO SOME OF OUR LEADMEN AND FOREMAN TO PURSUE LICENSURE SO THEY COULD EXPAND THEIR TRADES OUTSIDE OF MANUFACTURED HOUSING.

WE'RE HAPPY TO PROVIDE ADDITIONAL INFORMATION AND WE WILL BE HERE FOR THE WORK SESSION. THANK YOU SO MUCH FOR THE OPPORTUNITY.

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1. Neither the Manufactured Home Construction and Safety Standards (24 CFR Part 3280) nor the Manufactured Home Procedural and Enforcement Regulations (24 CFR Part 3282) require factory workers to hold trade licenses or certifications.
2. HUD's regulatory framework places responsibility on the manufacturer, through approved designs, quality-assurance programs, and third-party inspections, rather than on individual employee credentials.
3. This would appear to violate HUD's Federal preemption of the process and labeling of manufactured homes, which is governed by the Federal Standards and Regulations.
4. The Federal government, through HUD's system of inspections and oversight, has always governed the process of manufacturing in the plants.
5. Maine does not appear to currently have a manufacturing plant that produces manufactured homes. 985 homes were shipped into Maine in 2025.
6. According to Maine's approved state plan, "Board staff conducts pre-occupancy inspections of approximately 30% of all new manufactured homes installed in Maine. The 30% will be selected randomly from locations throughout the state."
7. Finally, the proposal raises significant concerns regarding conflict with HUD's federal preemptive authority.
8. Maine administers its own state installation program, which must meet or exceed HUD's minimum requirements. In accordance with 3286.505, HUD's minimum elements to be inspected are the following: site location, site preparation and

grading, foundation construction, anchorage, completion of ductwork, plumbing and fuel supply systems, electrical systems, exterior and interior close-up, skirting, if installed, and completion operational checks and adjustments. This proposal is inconsistent with, and would undermine, HUD's federally prescribed inspection process applicable to the state.

9. **This bill tries to regulate factory construction, which federal law already governs.** HUD—not the states—has **exclusive** authority over how manufactured homes are built in the factory. Federal standards regulate the process, the inspections, and the certification of the home. HUD does not require trade licensing or credentialing of individual factory workers. Instead, HUD's regulatory framework places responsibility on the manufacturer, through approved designs, quality-assurance programs, and third-party inspections, rather than on individual employee credentials. This proposal oversteps into a process that is already **federally preempted**.
  
10. **The proposal does not satisfy inspection of the installation and creates confusion.** Maine already operates a HUD-approved installation program that inspects electrical systems and completion of plumbing at the site, as required by federal law. Not conducting those inspections at the site would frustrate Federal requirements, create confusion, and risk creating duplicative, conflicting requirements that delay housing delivery during an affordable housing shortage. Moreover, this proposed process would not meet HUD's minimum installation requirements because inspection of the "completion" of the plumbing must be performed at the site and could not be inspected earlier in the process.