

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

Notice of Agency Rulemaking Proposal

AGENCY NAME: Maine Office of Community Affairs

CHAPTER NUMBER AND RULE TITLE: 08-004 CMR ch. 3, *Fees* (formerly 02-385 CMR ch. 331); 08-004 CMR ch. 9, *State Administrative Agency - Administration and Responsibilities* (formerly 02-385 CMR ch. 680); 08-004 CMR ch. 10, *State Administrative Agency - Monitoring and Other Fees* (formerly 02385 CMR ch. 690)

TYPE OF RULE: Routine Technical

PROPOSAL FILING NUMBER: [\[Leave Blank - Assigned by the Department of the Secretary of State\]](#)

BRIEF SUMMARY: The purpose of this rulemaking is to implement the statutory transition of authority for the State's manufactured housing regulatory program. The responsibilities and program of the Manufactured Housing Board are being transferred from the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, to the Maine Office of Community Affairs. This rulemaking is necessary to update existing rules to reflect the new requirements with the Office's statutory mandate. This set of rules pertains to overarching administrative procedures. The amendments will revise the rules to reflect the change in oversight and to maintain consistency with current law.

PUBLIC HEARING *(include day, date, time, and location):* None

COMMENT DEADLINE *(include day, date, and time):* November 15, 2026, 5:00 pm

CONTACT PERSON FOR THIS FILING *(include name; mailing address; telephone number; fax number; TTY (teletypewriter) number; and email address):*

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CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different):* Click or tap here to enter text.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any):* Click or tap here to enter text.

STATUTORY AUTHORITY FOR THIS RULE: 10 MR.S. §§ 9001–9021, 9061–9065A; Res. 2026, ch. 171 (directing transfer of manufactured housing regulatory responsibilities to the Maine Office of Community Affairs).

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different):* Click or tap here to enter text.

AGENCY WEBSITE: www.maine.gov/moca

EMAIL ADDRESS FOR OVERALL AGENCY RULEMAKING LIAISON: Samantha.horn@maine.gov

Choose one of the following: *The summary provided above is for publication in both the newspaper and website notices.*

Additional Information for the Web Notice (If Applicable)

DETAILED SUMMARY:

Click or tap here to enter text.

**08 02 MAINE OFFICE OF COMMUNITY AFFAIRS ~~DEPARTMENT OF~~
PROFESSIONAL AND FINANCIAL REGULATION**

004 385 MANUFACTURED HOUSING ~~BOARD~~

Chapter 3331: FEES

Summary: This chapter ~~references the establishment~~ establishes of license and other fees relating to manufactured housing by the ~~Office of Licensing and Registration~~ Maine Office of Community Affairs.

1. Fees

The following fees shall be charged for the licenses and seals issued by the Office.

<u>Manufactured Housing Community</u>	<u>1 yr</u>	<u>\$50 plus \$16 per lot</u>
<u>Manufacturer</u>	<u>1 yr</u>	<u>\$100</u>
<u>Dealer</u>	<u>1 yr</u>	<u>\$100</u>
<u>Developer Dealer</u>	<u>1 yr</u>	<u>\$100</u>
<u>Dealer branch location</u>	<u>1 yr</u>	<u>\$100</u>
<u>Mechanic</u>	<u>1 yr</u>	<u>\$100</u>
<u>Installer</u>	<u>1 yr</u>	<u>\$100</u>
<u>State of Maine warranty seal</u>		<u>\$110 per HUD & modular home</u>
<u>State-certified modular home seal</u>		<u>\$110 per modular home</u>
<u>Installation warranty seal</u>		<u>\$110 per HUD & modular home</u>

A. Manufactured Housing Inspection Fees

1. State-Certified Modular Homes

a. Initial complaint inspection, order of correction and re-inspection:

<u>If no violation was found upon initial inspection</u>	<u>No charge</u>
<u>If a violation was found upon initial inspection and an order of correction was issued, but the violation was found to be corrected in its entirety upon re-inspection</u>	<u>No charge</u>
<u>If a violation was found upon</u>	<u>Actual cost of re-inspection, to be</u>

<u>initial inspection and an order of correction was issued, but the violation was not found to be corrected in its entirety upon re-inspection</u>	<u>divided equally among all licensees who were initially in violation</u>
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2. Manufactured Housing Communities

- a. Initial license inspection, inspection for cause or periodic inspection; order of correction and re-inspection:

<u>If no violation was found upon initial inspection</u>	<u>No charge</u>
<u>If a violation was found upon initial inspection, an order of correction was issued, the owner certified to correction within 90 days, and the violation was found to be corrected in its entirety upon re-inspection</u>	<u>No charge</u>
<u>If a violation was found upon initial inspection, an order of correction was issued, and the owner failed to correct the violation in its entirety and certify to correction within 90 days</u>	<u>Actual cost of re-inspection</u>

3. HUD Code Manufactured Homes

- a. Initial complaint inspection, order of correction and re-inspection:

<u>If no violation was found upon initial inspection</u>	<u>No charge</u>
<u>If a violation was found upon initial inspection and an order of correction was issued, but the violation was found to be corrected in its entirety upon re-inspection</u>	<u>No charge</u>
<u>If a violation was found upon initial inspection and an order of correction was issued, but the violation was not found to be corrected in its entirety upon re-inspection</u>	<u>Actual cost of re-inspection, to be divided equally among all licensees who were initially in violation</u>

b. Preoccupancy inspection fee: Actual cost of inspection, to be paid by dealer

~~1. Fees~~

~~All fees, costs and assessments authorized or imposed by the rules of the Manufactured Housing Board shall be the amounts established in Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Licensing and Registration for their respective purposes.~~

STATUTORY AUTHORITY: 10 M.R.S.A. § 8003(2-A)(D)

EFFECTIVE DATE:

November 8, 2003 - filing 2003-395

**08 02 MAINE OFFICE OF COMMUNITY AFFAIRS DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION**

004 385 MANUFACTURED HOUSING BOARD

**Chapter 9680: STATE ADMINISTRATIVE AGENCY - ADMINISTRATION AND
RESPONSIBILITIES**

SUMMARY: This rule is amended to reflect the administration and procedures to be followed for Federal (HUD) certified manufactured housing units and the State Administrative Agency responsibilities.

1. ADMINISTRATION

The ~~Commissioner of the Department of Professional and Financial Regulation~~Director of the Maine Office of Community Affairs is responsible for administering the State Administrative Agency program. The ~~Commissioner-Office Director~~ may upon appropriate notice discontinue participation in the Federal enforcement program as a state administrative agency for this state.

2. MAINE STATE ADMINISTRATIVE AGENCY RESPONSIBILITIES

For the purposes in carrying out the state plan for compliance and enforcement of this chapter, the Department adopts the Federal Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq., Part 3280, including amendments as of July 13 and October 25, 1994 and Part 3282 Manufactured Homes Procedural and Enforcement Regulations, including amendments as of April 6, 1979 and June 29, 1982, which are incorporated herein by reference.

STATUTORY AUTHORITY: 10 MRSA Chapter 951 Sub-Chapter V §§9063 and 9064.

EFFECTIVE DATE FOR PREDECESSOR, CHAPTER 610: July 6, 1982

EFFECTIVE DATE (ELECTRONIC CONVERSION) FOR CHAPTER 610: January 11, 1997

CHAPTER 610 REPEALED AND REPLACED BY CHAPTER 680: January 19, 1997

**08 02 MAINE OFFICE OF COMMUNITY AFFAIRS DEPARTMENT OF
PROFESSIONAL AND FINANCIAL REGULATION**

004 385 MANUFACTURED HOUSING BOARD

**Chapter 10690: STATE ADMINISTRATIVE AGENCY - MONITORING AND OTHER
FEES**

SUMMARY: This rule authorizes the Department to establish a monitoring inspection and other fees in an amount established by HUD and the BoardOffice.

TO DEFRAY THE COSTS OF THE BOARD-OFFICE IN ADMINISTERING THE TERMS OF THE COOPERATIVE AGREEMENT WITH HUD IN CARRYING OUT THE STATE PLAN FOR ENFORCEMENT OF THE STANDARDS PURSUANT TO SECTION 623 OF THE ACT, 42 U.S.C. 5422, AND SUBPART G OF THE FEDERAL MANUFACTURED HOMES PROCEDURAL AND ENFORCEMENT REGULATIONS AND THE COST OF ADMINISTERING COMPLAINTS REGARDING HOMES BUILT TO THE FEDERAL STANDARD, THE FOLLOWING FEE STRUCTURE HAS BEEN ESTABLISHED.

1. Label Fees

THERE SHALL BE A FEE PAID BY EACH MANUFACTURER IN THIS STATE FOR EACH SECTION OF A HUD-CODE MANUFACTURED HOME PRODUCED. THE SECRETARY (PURSUANT TO 24 CFR 3282.307 OF THE MANUFACTURED HOMES PROCEDURAL AND ENFORCEMENT REGULATIONS) SHALL ESTABLISH AND COLLECT A MONITORING INSPECTION FEE. THE SECRETARY SHALL DISTRIBUTE THE FEES COLLECTED FROM ALL MANUFACTURERS BASED ON THE NUMBER OF NEW HOMES WHOSE FIRST LOCATION AFTER LEAVING THE MANUFACTURING PLANT IS ON THE PREMISES OF A DISTRIBUTOR, RETAILER, DEALER, OR PURCHASER IN THE STATE OF MAINE.

- a) There shall be a fee of \$2.50 for each section of a home produced in the State of Maine.
- b) There shall be a fee of \$9.00 for each section of a new home whose first location after leaving the manufacturing plant produced and has the State of Maine as its destination.

2. Additional Inspection Fees

TO DEFRAY THE COSTS OF THE STATE OF MAINE IN ADMINISTERING THE PROGRAM FOR HOMES THAT HAVE BEEN DESIGNED, CONSTRUCTED AND INSPECTED IN ACCORDANCE WITH THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS, A FEE WILL BE ASSESSED. THE ASSESSMENT WILL BE IN THE FORM OF A STATE OF MAINE WARRANTY SEAL.

- a) Each home manufactured after July 1, 1992 shall have a STATE OF MAINE WARRANTY CERTIFICATION SEAL displayed on the inside of a kitchen cabinet door.
- b) The manufacturer shall request the Warranty Seals on forms provided by the ~~Board~~Office. All requests will include the total price of the seals ordered. The manufacturer may delegate the actual attachment of the seals to the home to the retailer.
- c) The manufacturer shall report the distribution on forms provided by the ~~Board~~Office.

The Seal shall bear at least the following information:

WARRANTY CERTIFICATION
STATE OF MAINE NEW MANUFACTURED HOME WARRANTY

~~MHB-MHP~~ 00000

This SEAL remains the
property of

~~THE STATE OF MAINE~~

~~MANUFACTURED HOUSING BOARD~~THE MAINE OFFICE OF COMMUNITY AFFAIRS

This seal verifies that pursuant to State of Maine law (10 M.R.S.A. Section 1404) both the home manufacturer and dealer certify to the best of their knowledge that the new home is free from substantial defects in materials and workmanship. This State of Maine Warranty is in addition to any other express warranty provided by the manufacturer or dealer and other warranty created by state or federal law, including the implied warranties of merchantability and fitness for specific purposes (11 M.R.S.A. Section 2-315(5)). The manufacturer or dealer shall not requires the buyer to waive any of the rights provided by this warranty.

The manufacturer and dealer are jointly and severably liable to the purchaser for the fulfillment of the terms of the warranty. The retailer of this home is required to provide a copy of the State of Maine Manufactured home warranty law. If you have a problem with your home, you should contact your dealer. If the problem is not resolved by the dealer then contact the manufacturer. If for some reason you are still not able to resolve the problem, you can contact the ~~DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~MAINE OFFICE OF COMMUNITY AFFAIRS, MANUFACTURED HOUSING ~~BOARD~~PROGRAM, 35 STATE HOUSE STATION32 BLOSSOM LANE, AUGUSTA, MAINE 04333, telephone (207) 287-6622(207) 624-8603.

STATUTORY AUTHORITY: 10 M.R.S.A. §§ 8003(2-a)(d) and 9005

EFFECTIVE DATE:

June 3, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 11, 1997

AMENDED:

November 8, 2003 - filing 2003-398