

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Manufactured Housing Board

CHAPTER NUMBER AND TITLE:

Chapter 110..... State Certification of Modular Homes
Chapter 350..... Licensing – Scope of Practice, Obligations of Licensees, Prohibited Practices
Chapter 820..... Definitions
Chapter 890..... Manufactured Housing Installation Standards

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Robert V. LeClair, Executive Director, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8678, email robert.v.leclair@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Robert V. LeClair

PUBLIC HEARING (if any): June 6, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 9, 2012

BRIEF *SUMMARY: In this rulemaking proceeding the board proposes to repeal and replace Chapter 110 and to make minor changes to Chapters 350, 820 and 890. The revision of Chapter 110 updates the building codes and standards applicable to construction of state-certified modular homes, increases minimum insulation R-values, snow load and wind load requirements applicable to construction of state certified modular homes, provides a uniform appeal procedure from decisions of an approved inspection agency or the board's executive director, deletes the provisions relating to interstate reciprocity, reorganizes the chapter for clarity, and eliminates unnecessary or obsolete provisions. It is unnecessary to propose the inclusion of alternative dispute resolution techniques in connection with the appeal procedure set forth in the revised Chapter 110. The amendment to Chapter 350 authorizes a manufactured housing dealer to install and service manufactured housing sold by another dealer. The amendment to Chapter 820 corrects an error in the 2009 amendment to that chapter relating to the definition of "home" as it applies to manufactured housing communities. The amendment to Chapter 890 adds a procedure for scheduling the pre-occupancy inspections of new HUD-code homes required by that chapter. Copies of the proposed rules are available on line at www.maine.gov/professionallicensing

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRSA §8051; 10 MRSA §§9005-A, 9006, 9021, 9041, 9042, 9085

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: jeffrey.m.frankel@maine.gov

* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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NOTE: Text of proposed rules begins at page 17 of this file.

Notice of Agency Rule-making Proposal

Chapter 110

The proposed rule is a complete rewrite of Chapter 110 as it currently exists. Major changes include the following:

Updated codes; new format for code exceptions

The need for code updates was the impetus for the recodification of this chapter. Also, the various code exceptions now appear in strikeout-and-underscore format. This allows the reader to see the actual changes to the text of a code that are being made (or are being recognized) by the board.

Energy Standard

The proposed rule upgrades the energy conservation, snow load and wind load requirements applicable to the construction of State-certified modular homes. The increased minimum insulation R-values for ceilings, roof ceilings, walls and floors in the Energy Standard for State-Certified Modular Homes, §11(6)(A) of this chapter, will increase construction costs. Meeting the heightened snow load and wind load requirements of this chapter will also increase construction costs.

The increased minimum insulation R-values bring this chapter into alignment with the Maine Uniform Building and Energy Code that governs construction of stick-built homes. The increased insulation requirements will lower fuel consumption and allow homeowners to quickly recoup the additional construction costs. Increasing minimum insulation R-values is the least costly method of achieving energy savings in State-certified modular homes that the board is aware of. The heightened snow load and wind load requirements of this chapter are necessary to ensure that state-certified modular homes can better withstand severe weather conditions.

Reorganization

The chapter was renumbered and reorganized for clarity. The new organizational scheme is as follows:

Subchapter 1 – Provisions of General Applicability

- Summarizing the three methods of compliance (inspection agency approval method, local option approval method, special program of approval)
- Describing when the Maine Uniform Building and Energy Code or local law applies
- Setting forth requirement of journeyman quality workmanship
- Describing the prospective application of rule changes (the 180-day rule)
- Reporting changes of address and other information changes
- Definitions

Subchapter 2 – Codes and Standards

- 2009 International Residential Code for One-and Two-Family Dwellings
- 2011 NFPA 31, Standard for the Installation of Oil Burning Equipment

- 2009 NFPA 54, National Fuel Gas Code
- 2011 NFPA 70, National Electrical Code
- 2010 NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
- 2009 Uniform Plumbing Code
- Rules of the Maine Fuel Board, effective December 20, 2011
- ASHRAE Standard 55-2010, Thermal Environmental Conditions for Human Occupancy
- U.S. Department of Energy, Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers
- Energy Standard for State-Certified Modular Homes
- Ventilation Standard
- Radon Mitigation Preparation Standard

Much of the text in this subchapter was revised for clarity and consistency.

Subchapter 3 – Inspection Agency Approval Method

- Approval by authorized inspection agency of manufacturers’ building systems that comply with the codes and standards listed in Subchapter 2
 - Includes procedures to be followed by authorized inspection agency in evaluating applications for approval and the submissions to be made by manufacturers requesting approval
- Approval by authorized inspection agency of manufacturers’ compliance assurance programs
 - Includes procedures to be followed by authorized inspection agency in evaluating applications for approval and the submissions to be made by manufacturers requesting approval
- Inspection
- Certification and labeling
- Violations
 - Includes escalating levels of violation (individual nonconformance, class nonconformance, program nonconformance) and describes the roles of the authorized inspection agency, executive director, and the board proper
- Applicability of Maine Uniform Building and Energy Code and authority of local enforcement agency
- Proprietary information

Subchapter 4 – Additional Approval Methods for State-Certified Modular Homes

- Local Option Approval Method
- Special Program of Approval

Subchapter 5 – Approval of Inspection Agencies

- (long and involved; no substantive change from current rule)

Subchapter 6 – Appeals to the Board

- Lists the various types of appeals that can come before the board from decisions of an authorized inspection agency or the executive director and establishes a mechanism for deciding such appeals. This replaces Subpart J of the board’s current rules.

Deleted and Consolidated Provisions

Subpart H of the board’s current rules, “Interstate Reciprocity,” was deleted as the operative part of this subpart conflicts with 10 MRSA §9048, the governing statutory provision. Subpart I of the current rules, “Consumer Complaint Handling,” was deleted, as this topic is covered by Chapter 370 of the board’s rules. ASHRAE Standard 55-2004, Thermal Environmental Conditions for Human Occupancy, is no longer incorporated into this chapter by reference due to the deletion of the definition of “conditioned space.” (See next paragraph.)

Various provisions of the current chapter were deleted because they were unnecessary, obsolete or of uncertain meaning. These include the definitions of “administrative agency,” “approved,” “ASHRAE,” “conditioned space,” “dealer,” “evaluation agency,” “inspection agency,” “IRC,” “manufactured housing” and “specialty door,” and rule provisions relating to attachment of the manufacturer’s data plate in a nonstandard location (p. 21¹), the stay of an order suspending or revoking approval of a building system (p. 24), a local enforcement agency’s authority to request building plans (p. 25), evaluation of site preparation work and foundations by a local enforcement agency (p. 26), emergency authority of local enforcement agency (p. 26), requirements relating to local building codes under the local option method (pp. 32-33), documentation of receipt of permits under the local option method (p. 33), and a manufacturer’s certification constituting a warranty under the local option method (p. 33). In addition, various other provisions of the current rules were combined to eliminate redundancy.

Chapter 350

The text of the current chapter authorizes a dealer to "install and service manufactured housing sold by the dealer." The negative implication of this authorization is that a dealer may not install or service manufactured housing sold by another dealer. The board does not understand the reason for the prohibition, and has accordingly removed the words "sold by the dealer" from the language quoted above. This change will increase the availability of work to manufactured housing dealers in a down economy.

Chapter 820

A member of the board's rulemaking committee recently discovered an error that occurred when this chapter was last amended in 2009. Until that time, Chapter 820 prohibited the placement of state-certified modular housing in manufactured housing communities. The 2009 amendment permitted manufactured housing communities to rent up to 50% of their sites to owners of state-certified modular homes. This was accomplished in part by adding state-certified modular homes to the definition of "manufactured home" in Section 6 of this chapter. However, board staff omitted to suggest that the board also amend the definition of "home" in Section 5, which explicitly excluded state-certified modular homes.

In this rulemaking proceeding the board has resolved the inconsistency by amending Section 5 to read:

- 5. Home.** “Home” means a manufactured home as defined herein, ~~and does not include a modular home as defined in 10 MRSA-§9002(7)(B).~~

¹ Page numbers refer to the official version of Chapter 110 on the Secretary of State’s web site.

Chapter 890

The proposed rule requires dealers to email purchase information to the board immediately after receiving an order for manufactured housing from a purchaser and to notify the board when a home that has been randomly selected for pre-occupancy inspection is installed and ready for occupancy. The provisions of the proposed rule codify the procedure for scheduling pre-occupancy inspections that has been in place since Chapter 890 became effective in June 2009. Putting this procedure into rule enhances enforceability of the pre-occupancy inspection requirement but will not otherwise impact small business. The board had not planned on adding the procedure for scheduling pre-occupancy inspections to its rules until one dealer questioned the enforceability of the pre-occupancy inspection requirement as it currently exists.

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Manufactured Housing Board

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Robert V. LeClair, Executive Director, Office of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8676, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 110, State Certification of Modular Homes

STATUTORY AUTHORITY: 5 MRSA §8051; 10 MRSA §§9005-A, 9041, 9042

DATE AND PLACE OF PUBLIC HEARING: June 6, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 9, 2012

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To update the codes and standards incorporated by reference into Subchapter 2 and to bring the Energy Standard for State-Certified Modular Homes contained in Subchapter 2 into alignment with the Maine Uniform Building and Energy Code.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): 2009 International Residential Code for One- and Two-Family Dwellings (March 2009 Edition); NFPA 31, Standard for the Installation of Oil Burning Equipment (2011 Edition); NFPA 54-2009, National Fuel Gas Code (2009 Edition); NFPA 70, National Electrical Code (2011 Edition); NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances (2010 Edition); 2009 Uniform Plumbing Code (2009 Edition); Rules of the Maine Fuel Board (eff. December 20, 2011); NFRC 100-2010, Procedure for Determining Fenestration Product U-Factors (implementation date January 2010); United States Department of Energy, 10 CFR Part 430, Subpart B, Appendix N, entitled, "Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers" (October 2010); the Maine Uniform Building and Energy Code; professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed rule is a complete rewrite of Chapter 110 as it currently exists. Major changes include the following:

Updated codes; new format for code exceptions

The need for code updates was the impetus for the recodification of this chapter. Also, the various code exceptions now appear in strikeout-and-underscore format. This allows the reader to see the actual changes to the text of a code that are being made (or are being recognized) by the board.

Reorganization

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Subchapter 1 – Provisions of General Applicability

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- 2009 Uniform Plumbing Code
- Rules of the Maine Fuel Board, effective December 20, 2011
- ASHRAE Standard 55-2010, Thermal Environmental Conditions for Human Occupancy
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- Ventilation Standard
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Much of the text in this subchapter was revised for clarity and consistency.

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- Approval by authorized inspection agency of manufacturers' building systems that comply with the codes and standards listed in Subchapter 2
 - Includes procedures to be followed by authorized inspection agency in evaluating applications for approval and the submissions to be made by manufacturers requesting approval
- Approval by authorized inspection agency of manufacturers' compliance assurance programs

- Includes procedures to be followed by authorized inspection agency in evaluating applications for approval and the submissions to be made by manufacturers requesting approval
- Inspection
- Certification and labeling
- Violations
- Includes escalating levels of violation (individual nonconformance, class nonconformance, program nonconformance) and describes the roles of the authorized inspection agency, executive director, and the board proper
- Applicability of Maine Uniform Building and Energy Code and authority of local enforcement agency
- Proprietary information

Subchapter 4 – Additional Approval Methods for State-Certified Modular Homes

- Local Option Approval Method
- Special Program of Approval

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Subchapter 6 – Appeals to the Board

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Deleted and Consolidated Provisions

Subpart H of the board’s current rules, “Interstate Reciprocity,” was deleted as the operative part of this subpart conflicts with 10 MRSA §9048, the governing statutory provision. Subpart I of the current rules, “Consumer Complaint Handling,” was deleted, as this topic is covered by Chapter 370 of the board’s rules. ASHRAE Standard 55-2004, Thermal Environmental Conditions for Human Occupancy, is no longer incorporated into this chapter by reference due to the deletion of the definition of “conditioned space.” (See next paragraph.)

Various provisions of the current chapter were deleted because they were unnecessary, obsolete or of uncertain meaning. These include the definitions of “administrative agency,” “approved,” “ASHRAE,” “conditioned space,” “dealer,” “evaluation agency,” “inspection agency,” “IRC,” “manufactured housing” and “specialty door,” and rule provisions relating to attachment of the manufacturer’s data plate in a nonstandard location (p. 21¹), the stay of an order suspending or

¹ Page numbers refer to the official version of Chapter 110 on the Secretary of State’s web site.

revoking approval of a building system (p. 24), a local enforcement agency's authority to request building plans (p. 25), evaluation of site preparation work and foundations by a local enforcement agency (p. 26), emergency authority of local enforcement agency (p. 26), requirements relating to local building codes under the local option method (pp. 32-33), documentation of receipt of permits under the local option method (p. 33), and a manufacturer's certification constituting a warranty under the local option method (p. 33). In addition, various other provisions of the current rules were combined to eliminate redundancy.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation.

(B) There are no fees included in the rule.

(C) There will be a cost to the public in terms of time and money required to comply with the rule. The proposed rule upgrades the building codes and energy conservation requirements applicable to the construction of State-certified modular homes. The increased minimum insulation R-values for ceilings, roof ceilings, walls and floors in the Energy Standard for State-Certified Modular Homes, §11(6)(A) of this chapter, will increase construction costs. Meeting the heightened snow load and wind load requirements of this chapter will also increase construction costs.

The increased minimum insulation R-values bring this chapter into alignment with the Maine Uniform Building and Energy Code that governs construction of stick-built homes. The increased insulation requirements will lower fuel consumption and allow homeowners to quickly recoup the additional construction costs. Increasing minimum insulation R-values is the least costly method of achieving energy savings in State-certified modular homes that the board is aware of. The heightened snow load and wind load requirements of this chapter are necessary to ensure that state-certified modular homes can better withstand severe weather conditions.

(D) No other state laws or rules already address the subject matter of this rule.

(E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None

<p><i>FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:</i></p> <p>ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:</p> <p>INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:</p> <p>BENEFITS OF THE RULE:</p>
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Note: If necessary, additional pages may be used.

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Manufactured Housing Board

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Robert V. LeClair, Executive Director, Office of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8676, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 350, Licensing - Scope of Practice, Obligations of Licensees, Prohibited Practices

STATUTORY AUTHORITY: 10 MRSA §§9005-A, 9021

DATE AND PLACE OF PUBLIC HEARING: June 6, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 9, 2012

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To eliminate the prohibition in this chapter against a dealer installing or servicing manufactured housing sold by another dealer.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Text of current rule, recommendation of Manufactured Housing Board rules committee, professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The text of the current chapter authorizes a dealer to "install and service manufactured housing sold by the dealer." The negative implication of this authorization is that a dealer may not install or service manufactured housing sold by another dealer. The board does not understand the reason for the prohibition, and has accordingly removed the words "sold by the dealer" from the language quoted above. This change will increase the availability of work to manufactured housing dealers in a down economy.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation. The proposed rule will increase the availability of work to manufactured housing dealers in a down economy.

(B) There are no fees included in the rule.

(C) There will be no cost to the public in terms of time and money required to comply with the rule.

(D) No other state laws or rules already address the subject matter of this rule.

(E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:
ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:
BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Manufactured Housing Board

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Robert V. LeClair, Executive Director, Office of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8676, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 820, Definitions

STATUTORY AUTHORITY: 10 MRSA §§9005-A, 9085

DATE AND PLACE OF PUBLIC HEARING: June 6, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 9, 2012

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To correct an oversight in the 2009 amendment to this chapter.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Text of current rule, recommendation of Manufactured Housing Board rules committee, professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: A member of the board's rulemaking committee recently discovered an error that occurred when this chapter was last amended in 2009. Until that time, Chapter 820 prohibited the placement of state-certified modular housing in manufactured housing communities. The 2009 amendment permitted manufactured housing communities to rent up to 50% of their sites to owners of state-certified modular homes. This was accomplished in part by adding state-certified modular homes to the definition of "manufactured home" in Section 6 of this chapter. However, board staff omitted to suggest that the board also amend the definition of "home" in Section 5, which explicitly excluded state-certified modular homes.

In this rulemaking proceeding the board has resolved the inconsistency by amending Section 5 to read:

5. **Home.** "Home" means a manufactured home as defined herein, ~~and does not include a modular home as defined in 10 MRSA §9002(7)(B).~~

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation.

(B) There are no fees included in the rule.

(C) There will be no cost to the public in terms of time and money required to comply with the rule.

(D) No other state laws or rules already address the subject matter of this rule.

(E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Manufactured Housing Board

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Robert V. LeClair, Executive Director, Office of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8676, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 890, Manufactured Housing Installation Standards

STATUTORY AUTHORITY: 10 MRSA §§9005-A, 9006

DATE AND PLACE OF PUBLIC HEARING: June 6, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 9, 2012

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: The proposed rule requires dealers to email purchase information to the board immediately after receiving an order for manufactured housing from a purchaser and to notify the board when a home that has been randomly selected for pre-occupancy inspection is installed and ready for occupancy. The provisions of the proposed rule codify the procedure for scheduling pre-occupancy inspections that has been in place since Chapter 890 became effective in June 2009. Putting this procedure into rule enhances enforceability of the pre-occupancy inspection requirement but will not otherwise impact small business. The board had not planned on adding the procedure for scheduling pre-occupancy inspections to its rules until one dealer questioned the enforceability of the pre-occupancy inspection requirement as it currently exists.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): Text of current rule, recommendation of Manufactured Housing Board rules committee, professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: See the above section entitled, "Principal Reason or Purpose for Proposing This Rule."

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation.

(B) There is a fee for pre-occupancy inspection, payable by the dealer, that is referenced in the proposed rule. The fee is set by the director of the Office of Professional and Occupational Regulation in Chapter 10 of the rules of the Office of Professional and Occupational Regulation, "Establishment of License Fees," and has been in effect since September 27, 2009.

(C) Pre-occupancy inspection of manufactured housing can result in a cost to the dealer of performing any remedial work indicated by the inspection. There will be no other cost to the public in terms of time and money required to comply with the rule.

(D) No other state laws or rules already address the subject matter of this rule.

(E) There are federal standards for pre-occupancy inspections. The federal standards are contained in 24 CFR Part 3286, "Manufactured Home Installation Program." However, Maine operates under a state-run alternative to the federal program that has been approved by the Department of Housing and Urban Development as a qualifying installation program.

FISCAL IMPACT OF THE RULE: None

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:
ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:
BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION**

385 MANUFACTURED HOUSING BOARD

Chapter 110: STATE CERTIFICATION OF MODULAR HOMES

SUMMARY: This chapter sets forth construction standards, compliance assurance, inspection requirements, grounds for violation, consumer complaint procedures, and licensee appeal procedures relating to State-certified modular homes.

**SUBCHAPTER 1
PROVISIONS OF GENERAL APPLICABILITY**

**REPEAL AND
REPLACE OF
ENTIRE CHAPTER**

1. Purpose

The purpose of this chapter is to increase the availability of safe, decent and affordable modular housing by:

1. Promoting the use of new technologies, techniques and materials;
2. Requiring manufacturers' adherence to meaningful building codes and performance standards; and
3. Delegating to approved inspection agencies the responsibility for assessing the adequacy of building systems and monitoring manufacturers' code compliance

2. Applicability

This chapter governs the design, manufacture, handling, storage, delivery and installation of State-certified modular homes as defined in 10 MRSA §9002(7)(B).

3. Compliance

No person may manufacture, sell or install a modular home in Maine that does not comply with an approval method set forth in this chapter, to wit:

- Inspection Agency Approval Method (Subchapter 3)
- Local Option Approval Method (Section 23)
- Special Program of Approval (Section 24)

4. Preemption

State-certified modular homes are deemed to comply with the requirements of all laws, ordinances, and rules which govern the matters within the scope of the approval and certification, regardless of the provisions of any other such law, ordinance or rule.

5. Applicability of Local Law

1. Local Prerogatives

Land use zoning requirements; building set-back requirements; side and rear yard requirements; property line requirements; and on-site development, on-site construction, and on-site inspection requirements are specifically and entirely reserved to the local government, except as provided by the Maine Uniform Building and Energy Code, the Act or this chapter.

2. Special Environmental Conditions

In areas of the State where special environmental conditions exist which require special or different building standards pursuant to the penultimate paragraph of Section 10, local government may prescribe such standards for those parts of the site development, foundation, and other work for which responsibility is vested in local government pursuant to subsection 1 of this Section or the Maine Uniform Building and Energy Code, provided that such standards are not more stringent than those imposed on other types of buildings in the area.

6. Journeyman Quality Workmanship Required

The manufacture, installation and service of State-certified modular homes must conform to journeyman quality workmanship in all respects.

7. Prospective Application of Codes and Standards – 180 Day Notice

Except as provided for relocated homes under Section 20(6), revisions to the codes and standards incorporated by reference into Subchapter 2 of this chapter may not apply retroactively to approved building systems. The board shall notify all manufacturers with approved building systems, local governmental jurisdictions, and other concerned persons of all amendments to the codes and standards included in Subchapter 2, and each manufacturer will have 180 calendar days or such additional time as the board deems reasonable following the sending of such notification to submit to the board and comply with such modifications of its building systems as may be required to comply with such changes. All State-certified modular homes manufactured (i) prior to the effective date of such changes, or (ii) during the 180 calendar day period following the sending of notice to the manufacturer, or (iii) in the case of any manufacturer who submits his modifications to the board as required but receives no affirmative or negative response from the board with respect thereto, following such 180 calendar day period, may be certified if they conform to the existing approved building system. Where imminent danger to life safety is involved, the board may require that immediate effect be given to amendments to the codes, standards, specifications, and requirements adopted herein. For

purposes of this Section, a State-certified modular home is deemed to be manufactured at such time as the label is attached to it in accordance with the approved compliance assurance program.

8. Change of Address; Other Reportable Information

1. A manufacturer shall notify the board in writing within 10 days after any of the following occurrences and prior to the commencement of production at a new or relocated manufacturing facility:
 - A. Change of name;
 - B. Change of the main address of the company;
 - C. Change of location of any manufacturing facility;
 - D. Establishment of a new manufacturing facility; or
 - E. Change of authorized inspection agency.
2. An inspection agency shall notify the board in writing within 10 days after any of the following occurrences:
 - A. Change of name;
 - B. Change of the main address of the company;
 - C. Change of location of any testing facility;
 - D. Establishment of a new testing facility;
 - E. A change of 25% or more of the ownership or controlling interest of the agency within a 12 month period;
 - F. There are changes in principal officers and key supervisory and responsible personnel of the firm.

9. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

1. Act. "Act" means the Manufactured Housing Act, 10 MRSA, Chapter 951.
2. AFUE. "AFUE" means Annual Fuel Utilization Efficiency.
3. Air barrier. "Air barrier" means the element in an assembly designed and constructed to control airflow between a conditioned space and an unconditioned space. The "air barrier" is the primary air enclosure boundary that separates indoor (conditioned) air and outdoor (unconditioned) air.

4. Board. "Board" means the Manufactured Housing Board.
5. BTU. "BTU" means British Thermal Unit which is the amount of thermal energy required to raise one pound of water one degree Fahrenheit.
6. Building system. "Building system" means the method of constructing a type of manufactured home described by plans, specifications, and other documentation which together establish a set of limits meeting the building codes, standards, and other requirements of these rules for that type of manufactured housing, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.
7. Building thermal envelope. "Building thermal envelope" means the basement walls, exterior walls, floor, roof and any other building elements that enclose conditioned spaces.
8. Certification. "Certification" means the process by which local building inspection agencies are assured that elements of closed construction, not practical to inspect at the building site, have been properly reviewed and inspected by the board or its agents and conform to applicable building codes.
9. Closed construction. "Closed construction" means any building, building component, assembly, or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction.
10. Compliance assurance program. "Compliance assurance program" means the policies and procedures which assure that manufactured housing, including their manufacture, storage, delivery, assembly, handling, and installation, conform with the Act and these rules.
11. Draft stop. "Draft stop" means a material, device or construction installed to restrict the movement of air within open spaces of concealed areas of building components such as crawl spaces, floor-ceiling assemblies, roof-ceiling assemblies and attics.
12. Dwelling unit. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
13. Exterior door. "Exterior door" means any swinging or sliding door of any size that functions as part of the building thermal envelope.
14. Fenestration. "Fenestration" means skylights, roof windows, vertical windows (fixed or moveable), opaque doors, glazed doors, glazed block, and combination of opaque/glazed doors. Fenestration includes products with glass and non-glass glazing materials.

15. Heat loss. "Heat loss" means the amount of heat transferred per unit of time from the conditioned space to the outside or to an unconditioned space by means of conduction and infiltration.
16. Independence of judgment. "Independence of judgment" means not being affiliated with or influenced or controlled by building manufacturers or by producers, suppliers, or vendors of products or equipment used in manufactured housing, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.
17. Infiltration. "Infiltration" means the uncontrolled movement of air into and out of the conditioned space through cracks and interstices in the building envelope.
18. Installation. "Installation" means the process of affixing, assembling or setting up manufactured housing on foundations or supports at a building site and includes the connection to necessary systems, such as electrical, oil burner, gas, water, sewage and any others which are necessary for the use of the house for dwelling or commercial purposes.
19. Journeyman quality workmanship. "Journeyman quality workmanship" means workmanship that equates to the second or intermediate level of development of proficiency in a particular trade or skill, and reflects the work of a skilled worker but without the perfection of a master craftsman.
20. Label. "Label" means an approved insignia or seal evidencing certification in accordance with the Act and these rules.
21. Local enforcement agency. "Local enforcement agency" means the agency or agencies of local government with authority to inspect buildings and enforce the Maine Uniform Building and Energy Code or other laws, ordinances, and regulations which establish standards and requirements applicable to the construction, installation, alteration, repair, or relocation of buildings.
22. Mechanical ventilation. "Mechanical ventilation" means the controlled, purposeful introduction or removal of air to or from a conditioned space.
23. REScheck. "REScheck" is computer software published by the U.S. Department of Energy that allows builders to determine a residential structure's overall compliance with a selected energy conservation code by "trading off" insulation levels in the ceiling, wall, floor, basement wall, slab-edge and crawl space; glazing and door areas; glazing and door U-factors; and certain equipment efficiency.
24. Roof-Ceiling. "Roof-Ceiling" means a roof member that serves also as a ceiling member.
25. R-value. R-value," also known as thermal resistance," means the inverse of the time rate of heat flow through a building envelope element from one of its bounding surfaces to the other for a unit temperature difference between the two

surfaces, under steady state conditions, per unit area. R-value is calculated according to the formula ($h \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$). R-value is the reciprocal of the U-factor.

26. Townhouse. “Townhouse” means a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.
27. “U-factor.” U-factor, also known as thermal transmittance” means the coefficient of heat transmission (air to air) through a building envelope component or assembly, equal to the time rate of heat flow per unit area and unit temperature difference between the warm side and the cold side air films. u-factor is calculated according to the formula ($\text{Btu}/h \cdot \text{ft}^2 \cdot ^\circ\text{F}$). u-factor is the reciprocal of the R-value.
28. Yard. “Yard” means an open space, other than a court, unobstructed from the ground to the sky on the lot which a building is situated.

SUBCHAPTER 2 CODES AND STANDARDS

10. Compliance With Codes and Standards; Incorporation by Reference

State-certified modular homes manufactured in accordance with the inspection agency approval method set forth in Subchapter 3 must comply with the following codes and standards, which the board hereby incorporates into this chapter by reference. Copies of these codes and standards are on file with the Secretary of State and may also be obtained from their publishers as set forth in subsection 10.

1. 2009 IRC

2009 International Residential Code for One- and Two-Family Dwellings (IRC) (International Code Council, Inc., March 2009), with the following exceptions:

- A. Section R313 Automatic Fire Sprinkler Systems; Chapter 10: Chimneys and Fireplaces; Chapter 11: Energy Efficiency; Chapter 12: Mechanical Administration; Chapter 13: General Mechanical System Requirements; Chapter 14: Heating & Cooling Equipment; Chapter 16: Duct systems; Chapter 17: Combustion Air; Chapter 18: Chimneys & Vents; Chapter 20: Boilers & Water Heaters; Chapter 21: Hydronic Piping; Chapter 22: Special Piping & Storage Systems; Chapter 24: Fuel Gas Code; Chapter 25: Plumbing Administration; Chapter 26: General Plumbing Requirements; Chapter 27: Plumbing Fixtures; Chapter 28: Water Heaters; Chapter 29: Water Supply & Distribution; Chapter 30: Sanitary Drainage; Chapter 31: Vents; Chapter 32: Traps; Chapter 33: General Requirements; Chapter 34: General Requirements; Chapter 35: Electrical Definitions; Chapter 36: Services; Chapter 37: Branch Circuit and Feeder Requirements; Chapter 38: Wiring Methods; Chapter 39: Power and

Lighting Distribution; Chapter 40: Devices and Luminaires; Chapter 41: Appliance Installation; Chapter 42: Swimming Pools; Chapter 43: Class 2 Remote-Control, Signaling and Power-Limited Circuits; Appendix A: Sizing and Capacities of Gas Piping; Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents; Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems; Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix E: Manufactured Housing Used as Dwellings; and Appendix F: Radon Control Methods, except to the extent the provisions of Appendix F appear in Subpart B, Section I-B of this chapter;

- B. The ground snow load (P_g) statewide shall be designated as 60 psf. The roof (live) load (P) need not exceed 46 psf on any part or portion of the roof. Alternatively, a manufacturer may at its option build in accordance with Section R301.2.3, which provides:

Snow loads. Wood framed construction, cold-formed steel framed construction and masonry and concrete construction, and structural insulated panel construction in regions with ground snow loads 70 psf (3.35 kPa) or less, shall be in accordance with Chapters 5, 6 and 8. Buildings in regions with ground snow loads greater than 70 pounds per square foot (3.35 kPa) shall be designed in accordance with accepted engineering practice.

- C. Wind Design Criteria

- (1) All regions in Figure R301.2(4) that are located on the coastal side of the 90 miles per hour wind speed contour shall be considered to be less than or equal to 99 miles per hour (44.26 m/s).
- (2) Wind load effective velocity pressures, P_e , need not exceed 30 psf.

- D. Subparagraphs R311.7.4.1, R311.7.4.2 and R311.7.4.3 are revised to read:

R311.7.4.1 Riser height. The maximum riser height shall be ~~7¾ inches (196 mm)~~ 8¼ inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.4.2 Tread depth. The minimum tread depth shall be ~~10 inches (254 mm)~~ 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). ~~Consistently shaped~~

~~winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.~~

Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured ~~between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline as above at a point 12 inches (305) mm from the side where the treads are narrower.~~ Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point ~~within the clear width of the stair.~~ Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walkline shall not exceed the smallest ~~winder tread~~ by more than 3/8 inch (9.5 mm).

R311.7.4.3 Profile. The radius of curvature at the nosing shall be no greater than 9/16 inch (14 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers, provided that a 1 inch nosing shall be provided on all treads with tread width less than 10 inches. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosings shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the nosing above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

The above revisions to subparagraphs R311.7.4.1, R311.7.4.2 and R311.7.4.3 shall also apply to basement stairs when the stairs are a component of a factory design which specifies the necessary basement height and the design has been certified by the board-approved inspection agency.

E. Subparagraph R312.1 is replaced by the following:

R312.1 Guards required. Porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not

less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be provided with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

Guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

2. 2011 NFPA 31

NFPA 31, Standard for the Installation of Oil Burning Equipment (National Fire Prevention Association, 2011 Edition, adopted January 3, 2011), with the exception of Section 7.5.15.1 for the attachment of 3-330 oil supply tanks, provided that the installation meets the requirements of Chapter 109, Section 13 of the Rules of the Maine Fuel Board (vent alarms).

3. 2009 NFPA 54

NFPA 54-2009, National Fuel Gas Code (National Fire Prevention Association, 2009 Edition, adopted September 5, 2008);

4. 2011 NFPA 70

NFPA 70, National Electrical Code (National Fire Prevention Association, 2011 Edition, adopted August 25, 2010), with the following exceptions:

A. The board adopts Article 200.6(D) with the following amendment:

200.6 Means of Identifying Grounded Conductors.

(D) Grounded Conductors of Different Systems. Where grounded conductors of different systems are installed in the same raceway, cable, box, auxiliary gutter, or other type of enclosure, each grounded conductor shall be identified by system. Identification that distinguishes each system grounded conductor shall be permitted by one of the following means:

(1) One system grounded conductor shall have an outer covering conforming to 200.6(A) or (B).

(2) The grounded conductor(s) of other systems shall have a different outer covering conforming to 200.6(A) or 200.6(B) or by an outer covering of white or gray with a readily distinguishable colored strip other than green running along the insulation.

- (3) Other and different means of identification as allowed by 200.6(A) or (B) that will distinguish each system grounded conductor.

The means of identification ~~shall be documented in a manner that is readily available or~~ shall be permanently posted where the conductors of different systems originate.

- B. Article 210.5(C)(3) with the following amendment:

210.5 Identification for Branch Circuits.

- (C) **Identification of Ungrounded Conductors.** Ungrounded conductors shall be identified in accordance with 210.5(C)(1), (2) and (3).

- (3) **Posting of Identification Means.** The method utilized for conductors originating within each branch-circuit panelboard or similar branch-circuit distribution equipment ~~shall be documented in a manner that is readily available or~~ shall be permanently posted at each branch-circuit panelboard or similar branch-circuit distribution equipment.

- C. Article 215.12(C) with the following amendment:

215.12 Identification of Feeders.

- (C) **Ungrounded Conductors.** Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment ~~shall be documented in a manner that is readily available or~~ shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

- D. Article 334.10(3) with the following amendment:

334.10 Uses Permitted.

- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. ~~Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

- E. The board does not adopt Article 334.12(A)(2), **Uses Not Permitted.**

F. Article 338.12(B) (1) and (2) with the following amendment:

338.12 Uses Not Permitted.

(B) Underground Service-Entrance Cable.

(1) For interior wiring of branch circuits and feeders originating and terminating within the same building.

(2) For aboveground installations except where USE cable emerges from the ground and is terminated in an enclosure at ~~an outdoor~~ a location acceptable to the Authority Having Jurisdiction and the cable is protected in accordance with 300.5(D).

G. Article 702.4(B)(2) with the following amendment:

702.4 Capacity and Rating

(B) System Capacity.

(2) **Automatic Transfer Equipment.** For other than single-family dwellings, where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

5. 2010 NFPA 211

NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances (National Fire Prevention Association, 2010 Edition, adopted December 5, 2009), with the following exceptions:

A. Chapter 2: Referenced Publications; Chapter 13: Maintenance; and Chapter 14, Inspection of Existing Chimneys.

6. 2009 UPC

2009 Uniform Plumbing Code (International Association of Plumbing and Mechanical Officials, January 2009) with the following exceptions:

A. Air Admittance Valves

The board incorporates into this chapter the allowed use of air admittance valves:

(1) The valves must be installed in accordance with the manufacturer's installation instructions. Air admittance valves must be installed after the drainage, waste and vent (DWV) testing has been performed.

(2) Individual branch and circuit vents may be permitted to terminate with a connection to an air admittance valve. The air admittance

valve must vent only fixtures that are on the same floor level and connect to a horizontal branch drain.

- (3) The horizontal branch drain must connect to the drainage stack or building drain a maximum of four branch intervals from the top of the stack.
- (4) The air admittance valve must be located a minimum of 4 inches above the horizontal branch drain or fixture drain being vented. The air admittance valve must be located within the maximum developed length permitted for the vent. The air admittance valve must be installed a minimum of 6 inches above insulation materials.
- (5) Access must be provided to all air admittance valves. The valve must be located within a ventilated space that allows air to enter the valve.
- (6) The air admittance valve must be rated in accordance with the standard for the size of the vent to which the valve is connected.
- (7) Within each plumbing system, a minimum of one stack vent or vent stack must extend outdoors to the open air.

B. Plumbers' Examining Board Policy Statement

The board incorporates into this chapter the following Plumbers' Examining Board policy statement:

- (1) The Plumbers' Examining Board will allow the testing of plastic schedule 40 DWV (drainage, waste and vent) piping systems with 5 psi (pounds per square inch maximum of air. For safety purposes, when testing with air, a listed 6 psi relief valve is required.
- (2) Co-extruded ABS (Acrylonitrile Butadiene Styrene) and PVC (Poly Vinyl Chloride) schedule 40 (cellular core) piping systems with reference standards ASTM F1488 and ASTM F 891 may not be tested with air.
- (3) PVC and CPVC (Chlorinated Poly Vinyl Chloride) building supply and water distribution piping system shall not be tested with air.

C. Chapter 1: Administration

- (1) The board does not adopt chapter 102.3.2, Penalties.
- (2) The board amends chapter 103.1.2, Exempt Work, by adding 103.1.2.3 as follows:

103.1.2.3 Installation of domestic heating appliances by master oil burner technicians licensed pursuant to Title 32, Chapter 33 of the Maine Revised Statutes and propane and natural gas installers pursuant to Title 32, Chapter 130 of the Maine Revised Statutes.

- (3) The board repeals and replaces chapter 103.4.1, Permit Fees, as follows:

103.4.1 Permit Fees.

103.4.1.1 Any person who begins any work for which a permit is required by the Code without first having obtained a permit shall, if subsequently eligible to obtain a permit for that work, pay double the permit fee for such work. However, this provision shall not apply to any emergency work when it can be proved to the satisfaction of the LPI that such work was necessary and that it was not practical to obtain a permit before the commencement of the work. In all emergency cases, a permit must be obtained within four (4) working days or a double permit fee shall be charged.

103.4.1.2 For the purpose of this section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures that requires a permit to be issued.

103.4.1.3 Permit fees shall be charged for the following permits.

- (1) Fixture fee, per fixture.
- (2) When only new water distribution and/or drainage pipes are installed or relocated in a building, but no fixtures installed.
- (3) A hookup fee shall be charged for the connection of a manufactured home which bears the Housing and Urban Development (HUD) seal or a modular home which bears the Manufactured Housing Board seal to a building sewer.
- (4) A hookup fee shall be charged for connection to a public sewer when piping is installed outside the jurisdiction of the sanitary district. A hookup is considered a fixture when calculating the fee.

- (5) Relocated manufactured homes, modular homes or any other similar structures shall be considered as new conventional stick built structures. A plumbing fixture fee shall be charged based on this section.
- (4) The board does not adopt chapter 103.4.2, Plan Review Fees.
- (5) The board adopts Chapter 103.5.1, Inspections, General, with the following amendment:

103.5.1 General. Plumbing systems for which a permit is required by this code shall be inspected by the Authority Having Jurisdiction.

No portion of any plumbing system shall be concealed until inspected and approved. Neither the Authority Having Jurisdiction nor the jurisdiction shall be liable for expenses entailed in the removal or replacement of material required to permit inspection. When the installation of a plumbing system is complete, an additional and final inspection shall be made. ~~Plumbing systems regulated by this code shall not be connected to the water, the energy fuel supply, or the sewer system until authorized by the Authority Having Jurisdiction.~~

- (6) The board does not adopt Chapter 103.5.6, paragraphs 4 and 5, Reinspections.
- (7) The board does not adopt Chapter 103.7, Unconstitutional.
- (8) The board does not adopt Table 1-1, Plumbing Permit Fees.

D. Chapter 2, Definitions

- (1) The board does not adopt Chapter 205.0, Confined Space.
- (2) The board does not adopt Chapter 207.0 Excess Flow Valve (EFV).
- (3) The board does not adopt Chapter 208.0, Flammable Vapor or Fumes.
- (4) The board amends Chapter 220.0, Definitions, Roughing-In, as follows:

Roughing-In - The installation of all parts of the plumbing system that can be completed prior to the installation of fixtures. This includes drainage, water supply, ~~gas piping~~, vent piping, and the necessary fixture supports.

(5) The board does not adopt Chapter 223.0, Unconfined Space.

E. Chapter 3, General Regulations

(1) The board does not adopt Chapter 313.12.3, Ratproofing.

(2) The board does not adopt Chapter 314.7, Hangers and Supports.

(3) The board adopts Chapter 316.2.2, Unions, with the following exception:

316.2.2 Unions. Approved unions shall be permitted to be used in drainage piping when accessibly located in the trap seal or between a fixture and its trap in the vent system, except underground or in wet vents, at any point in the water supply system, ~~and in gas piping as permitted by Section 1211.3.2(4).~~

(4) The board does not adopt Chapter 320.0, Medical Gas and Vacuum Systems.

F. Chapter 5, Water Heaters

The board adopts **only** the following two sections of Chapter 5. All other sections of Chapter 5 the board does not adopt.

(1) Chapter 506.4, Indirect-Fired Water Heaters, which includes 506.4.1 and 506.4.2.

(2) Chapter 508.0, Other Water Heater Installation Requirements, which includes 508.1, 508.2, 508.3, 508.4 and 508.5.

G. Chapter 8, Indirect Wastes

(1) The board repeals and replaces Chapter 807.4, Dishwashing Machines; Waste Connections as follows:

807.4 Dishwashing Machines; Waste Connections.

Dishwashing machines shall discharge separately into a trap, trapped fixture, tailpiece of the kitchen sink or the dishwasher connection of a food waste grinder. The waste line from the dishwashing machine shall be looped as high as possible and be securely fastened to the underside of the sink rim or countertop.

H. Chapter 9, Vents

The board adopts Chapter 906.0, Vent Terminations, with the following amendments:

- (1) **906.1.** Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than ~~six (6) inches (152 mm)~~ two (2) feet above the roof nor less than one (1) foot (~~305 mm~~) from any vertical surface.
- (2) **906.3.** Vent pipes shall be extended separately or combined, of full required size, not less than ~~six (6) inches (152mm)~~ two (2) feet above the roof or fire wall. Flagpoling of vents shall be prohibited except where the roof is used for purposes other than weather protection. Vents within ten (10) feet (3,048 mm) of any part of the roof that is used for such other purposes shall extend not less than seven (7) feet (2,134 mm) above such roof and shall be securely stayed.
- (3) **906.7. Frost or Snow Closure.** Where frost or snow closure is likely to occur in locations having minimum design temperature below 0°F (-17.8°C), vent terminals shall be not less than two (2) inches (50 mm) in diameter, but in no event smaller than the required vent pipe. The change in diameter shall be made inside the building not less than one (1) foot (305 mm) below the roof in an insulated space and terminate not less than ~~ten (10) inches (254 mm)~~ two (2) feet above the roof, or as required by the Authority Having Jurisdiction.

I. Chapter 11, Storm Drainage

- (1) The board does not adopt Chapter 1101.5, Subsoil Drains.
- (2) The board does not adopt Chapter 1101.6, Building Subdrains.
- (3) The board does not adopt Chapter 1101.7, Areaway Drains.
- (4) The board does not adopt Chapter 1101.8, Window Areaway Drains.
- (5) The board does not adopt Chapter 1101.9, Filling Stations and Motor Vehicle Washing Establishments.
- (6) The board does not adopt Chapter 1101.10, Paved Areas.
- (7) The board does not adopt Chapter 1102.5, Subsoil Drains.
- (8) The board does not adopt Chapter 1106.3, Size of Roof Gutters.
- (9) The board does not adopt Table 11-3, Size of Gutters.

J. Chapter 12, Fuel Piping.

The board does not adopt Chapter 12, Fuel Piping.

K. Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems.

The board does not adopt Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems.

L. Chapter 16, Nonpotable Water Reuse Systems.

The board does not adopt Part I, Gray Water Systems, in its entirety.

7. Maine Fuel Board

The rules of the Maine Fuel Board in their entirety, effective December 20, 2011, consisting of the chapters listed below, with the following exception:

Chapters 101-111, 113, 115

Chapters 201-206, 208, 209

A. The board does not incorporate into this chapter by reference the exception to NFPA 211 contained in Chapter 107, Section 2.2 of the Maine Fuel Board Rules.

8. NFRC 100-2010

NFRC 100-2010 – Procedure for Determining Fenestration Product U-Factors (National Fenestration Rating Council, Inc., implementation date January 2010); and

9. 10 CFR Part 430, Subpart B, Appendix (DOE, 2010)

United State Department of Energy, (DOE) 10 CFR Part 430, Subpart B, Appendix N, entitled, “Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers” (October 2010).

The rules of the Maine Fuel Board may be viewed and downloaded at no charge from the Secretary of State’s web site at the following URL:

www.maine.gov/sos/cec/rules/02/chaps02.htm

The other standards identified in this section may be purchased from their respective publishers, as follows:

International Association of Plumbing and Mechanical Officials (UPC)
4755 E. Philadelphia Street
Ontario, CA 91761 USA
Telephone: (909) 472-4100
Website: www.iapmo.org

International Code Council (IRC)
Birmingham Regional Office
900 Montclair Road Birmingham, AL 35213-1206

Telephone: (205) 591-1853
Website: www.ecodes.biz

National Fire Protection Association (NFPA)
1 Batterymarch Park
P.O. Box 9101
Quincy, MA 02269-9101
Telephone: (800) 344-3555
Website: www.nfpa.org

National Fenestration Rating Council, Inc. (NFRC)
8484 Georgia Avenue, Suite 320
Silver Spring, MD 20910
Telephone: (301) 589-1776
Website: www.nfrc.org

U.S. Government Printing Office (DOE Rules)
Superintendent of Documents
PO Box 371954
Philadelphia, PA 15250-7954
Telephone: (866) 522-1800
Website: www.gpoaccess.gov/cfr/index/html

The provisions of these rules are not intended to prevent the use of any technologies, techniques, or materials not specifically prescribed by the codes, standards, specifications, and requirements, provided that any such alternate has been approved by the board. The board may approve any such alternate provided that the board finds that the proposed design is satisfactory, and that the material, method, or work offered is, for purpose intended, consistent with the adopted codes and standards, including quality, strength, effectiveness, fire resistance, durability, and safety. The board shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of any such alternate.

The board shall maintain appropriate information, indicating those areas of the State which it has established as having special environmental conditions such as snow, wind loads, seismic conditions, temperature, humidity, and soil conditions requiring special or different building standards. Such information shall be available for public inspection.

Installation and connection of plumbing, heating and electrical components that are not part of the envelope of the home must be installed by licensed professionals pursuant to the standards adopted by the boards that license the respective trades.

11. Energy Standard for State-Certified Modular Homes

1. Purpose and Scope

The purpose of this standard is to provide a reasonable energy code, based on nationally recognized codes, that will apply to all State-certified modular homes

that are installed in Maine. This standard sets forth design and construction requirements relating to energy efficiency in State-certified modular homes.

2. Compliance; Limited Waiver of Compliance with Energy Specifications Table

State-certified modular homes must comply with the provisions of this Section. The executive director may waive compliance with the Energy Specifications Table contained in subsection 6(A) below in the limited circumstances described in subsection 6(N) below.

3. Materials and Equipment

Materials and equipment must be identified in a manner that will allow a determination of their compliance with the provisions of this chapter. Materials and equipment used to conform to the applicable provisions of this chapter must be installed in accordance with the manufacturer's installation instructions. (2009 IRC, N1101.7)

4. Identification

Materials, systems and equipment must allow a determination of compliance with these codes and standards adopted.

5. Building Thermal Envelope Insulation

The home manufacturer shall provide in the plans approved by the board or by an approved inspection agency a listing of the minimum R-value and/or U-value (as appropriate) of insulation installed or to be installed by a licensee of the board. Any insulation installed in the field by a licensee of the board must be installed in accordance with the installation requirements of the insulation manufacturer. The home manufacturer shall state areas within the envelope of the home manufactured by it that need to be field insulated to meet code and what R-value and/or U-value (as appropriate, if using field windows and doors) must be obtained.

6. Energy and Efficiency Standards

A. Energy Specifications Table

The values listed in the Energy Specifications Table below are minimum standards for State-certified modular homes (one and two family homes and townhouses).

Energy Specifications Table

Minimum Insulation R-value				Maximum Fenestration for Exterior Doors U-factor	Maximum Fenestration for Windows ³ U-factor	Maximum Fenestration for Skylights U-factor
Ceilings ¹	Roof- Ceilings ¹	Walls ²	Floors ²			
R-49	R-49	R-20 or 13 +5 ⁴	R-30	.35	.35	.60

¹ See par. G and H below.

² Or insulation sufficient to fill the framing cavity, but not less than R-19 minimum.

³ The term windows includes sidelights, octagonal, elliptical, transom, etc.

⁴ 13+5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing must be supplemented with insulated sheathing of at least R-2.

B. Perimeter Space

For 2-story homes, the perimeter of the space between the top of the second floor rim joists and the finished ceiling below must be insulated to R-19.

C. Unfinished Second Floors

Homes delivered with an unfinished second floor must be insulated as described below:

- (1) Stair enclosures – The ceilings of the stair enclosures must be insulated to R-30. The walls of stair enclosures must be insulated to R-11.
- (2) Doors – To prevent heat loss into the unfinished space, doors within stair enclosures must be either an exterior door or insulated by any means, including temporary means, to R-19.
- (3) Ceilings – The floor/ceiling assembly between the first and second stories must be insulated to R-30, except that the ceiling area beginning at the outside walls and extending to the knee walls must be insulated to R-49.

D. Basement Stair Enclosures

Basement stair enclosures of homes with an unconditioned basement must be insulated as described below:

- (1) The ceilings of the basement stair enclosures must be insulated to R-19; and
- (2) The walls of the basement stair enclosures must be insulated to R-11.

[NOTE: See the definition of “conditioned space” in 2009 IRC, R202.]

E. R-value Computation

Insulation materials used in layers, such as framing cavity insulation and insulating sheathing, must be summed to compute the component R-value. The (insulation) manufacturer’s settled R-value must be used for blown-in insulation. Computed R-values may not include an R-value for other building materials or airfilms (2009 IRC N1102.1.1) such as framing, drywall, structural sheathing or exterior siding materials. Insulation separated from the conditioned space by a vented space may not be counted towards the required R-value.

[NOTE: See the definition of “conditioned space” in 2009 IRC, R202.]

F. Exterior Walls

Insulation in exterior walls must be placed so that the entire cavity is insulated, including the space between the back of electrical boxes and the exterior sheathing.

G. Ceilings with Attic Space

For all ceilings with attic space, ceiling insulation must extend over the top plate of the exterior wall up to the exterior sheathing. Compression of insulation must be kept to a minimum. R-30 is deemed to satisfy the requirement in the Energy Specifications Table for R-49 only where the full height of uncompressed R-30 insulation extends over the top wall plate at the eaves.

H. Roof Ceilings

For roof ceilings (i.e., ceilings without attic space), compression of insulation must be kept to a minimum. In situations where the Energy Specifications Table requires R-49 insulation, but the design of the roof ceiling assemblies does not allow sufficient space for R-49 insulation, the insulation for such roof ceiling assemblies must be a minimum of R-30.

I. Air Leakage

The building thermal envelope must be durably sealed to limit infiltration in accordance with 2009 IRC, N1102.4.1.

J. Air Sealing and Insulation Demonstration of Compliance

The durable sealing of the building thermal envelope required by paragraph I above is subject to verification if deemed necessary by the executive director. In such event, durable sealing must be demonstrated by the visual inspection option contained in 2009 IRC, N1102.4.2.2. A decision of the executive director to require verification is final and may not be appealed to the board.

K. Draft Stop

Draft stop materials must be placed along the entire perimeter of the interconnecting modules.

L. U-factor

U-factors of fenestration products must be determined in accordance with the National Fenestration Rating Council, Inc. (NFRC), NFRC 100-2010.

M. Waiver of Compliance with the Energy Specifications Table

- (1) A manufacturer may obtain a waiver of compliance with the Energy Specifications Table contained in Subpart B, Section I-A(F)(1) by demonstrating to the executive director of the board that the design or construction of a dwelling makes it infeasible, as set forth below, to apply one or more of the values contained in the Energy Specifications Table. The waiver request must be made prior to acceptance of the plans by the manufacturer's board approved third-party inspection agency.
- (2) In determining feasibility of compliance with the Energy Specifications Table, the executive director shall consider as alternatives to a waiver the manufacturer's ability to achieve compliance through alternative construction techniques, use of different materials, or design change. The executive director may also consider other relevant factors, including cost of compliance with the Energy Specifications Table, although cost of compliance alone is not a ground for obtaining a waiver. It is the intent of the board that waivers be sparingly granted.
- (3) To receive a waiver, a manufacturer must further demonstrate that the U-value of the design for which the waiver was granted meets or exceeds the REScheck target value as calculated (using Climate Zone 6 for the entire State of Maine, including Aroostook County)

under the trade-off approach for the 2009 edition of the International Code Council International Energy Conservation Code (IECC). This demonstration must be made in the form of a REScheck compliance certificate signed by the board-licensed manufacturer and the inspection agency, with the supporting inspection checklist attached.

- (4) The executive director's denial of a waiver must be made in writing, must state the basis for the denial, and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

[Note: REScheck is available at no cost at from the U.S. Department of Energy at the following URL:

[www.energycodes.gov/rescheck/.](http://www.energycodes.gov/rescheck/)]

N. Furnaces and Boilers

Gas-fired or oil-fired furnaces and hot-water boilers rated at less than 300,000 BTU/h must have a minimum AFUE rating of 78% in accordance with the United States Department of Energy (DOE) 10 CFR Part 430, Subpart B, Appendix N, entitled "Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers" (January 20, 2010).

12. Ventilation Standard

State-certified modular homes must comply with the provisions of this Section.

1. Whole-house Ventilation

When a state certified manufactured home is factory equipped with a central system to regulate the quality of indoor air, the system must be operated according to the manufacturer's instructions and equipment specifications.

2. Kitchen Exhaust

A cooking appliance must be equipped with a separate ventilating fan/hood, independent of other ventilating systems, with a minimum rating of 100 Cubic Feet per Minute (CFM). This equipment must exhaust at the outside of the home. This paragraph does not apply to microwave ovens, provided that:

- A. The microwave oven is not sold with a separate ventilating system; and
- B. The manufacturer's instructions do not require that the microwave oven be operated with a separate ventilating system.

3. Bathroom Exhaust

Each bathroom with or without a tub or shower unit must be equipped with a separate ventilating fan, independent of other ventilating systems, with a minimum rating of 50 CFM. The fan must exhaust at the outside of the home and must be rated for sound at a maximum of 3 sone.

4. Clothes Dryer

All clothes dryers must be vented directly to the outside. A clothes dryer may not be vented into a chimney.

5. Combustion Air

Combustion air for a heating appliance must be drawn directly from the outdoors. This paragraph does not apply to a gas fireplace, provided that the manufacturer's instructions do not require that the gas fireplace be provided with combustion air from the outdoors.

6. Back Draft

Each chimney used to vent a heating appliance must be draft tested to ensure that no positive pressure is present in the chimney that would allow products of combustion to enter the home. Consideration shall be given to seasonal changes in draft.

13. Radon Mitigation Preparation Standard

1. Purpose and Scope

The purpose of this standard is to provide a reasonable code for manufacturer-installed vent piping and electrical supply boxes within the envelope of a state-certified modular home to facilitate future, on site completion of the radon mitigation system should such a system be required either by code or by the consumer. This standard is based on Appendix F: Radon Control Methods of the IRC, a nationally recognized code, that will apply to all state-certified modular homes that are installed in Maine. This standard sets forth design and construction requirements relating to preparation for radon mitigation in state-certified modular homes.

2. Compliance; Limited Waiver of Compliance

State-certified modular homes must comply with the provisions of this Section. The executive director may waive compliance with the radon standard contained in subsection 4 in the limited circumstances described in subsection 4(I).

3. Materials and Equipment

Materials and equipment must be identified in a manner that will allow a determination of their compliance with the provisions of this subsection. (2009 IRC, N1101.3) Materials and equipment used to conform to the applicable

provisions of this chapter must be installed in accordance with the manufacturer's installation instructions.

4. Radon Standard

A. Entry routes

Potential radon entry routes such as openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate the floor assemblies must be filled with a suitable sealant applied in accordance with the manufacturer's recommendations. (2009 IRC, AF103.4.1)

B. Vent pipe

The manufacturer must install a 3-inch-minimum diameter vent pipe up through the building floors at least 2 feet into the attic space and capped below the roof. The vent pipe must be installed such that the pipe can be extended by others at a later date and located at least 12 inches above the roof in a location at least 10 feet away from any window or other opening into the conditioned spaces of the building that is less than 2 feet below the exhaust point and 10 feet from any window or other opening in adjoining or adjacent buildings. (2009 IRC, AF103.5.3 and AF103.6.1)

C. Vent pipe drainage

All components of the 3-inch-minimum diameter vent pipe installed by the manufacturer up through the building floors and capped below the roof must provide for positive drainage. (2009 IRC, AF103.7)

D. Vent pipe accessibility

Radon vent pipes must be accessible for future fan installation through an attic or other area outside the habitable space. (2009 IRC, AF103.8) Any accessible space reserved for the radon fan must occupy an imaginary cylinder, standing on end, which is 24 inches or more in diameter, centered on the axis of the vent pipe, and extending a minimum vertical distance of 3 feet.

Exception: The radon vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use (2009 IRC, AF103.8), and where it is possible to mount the future fan above the roof.

E. Vent pipe identification

All exposed and visible interior radon vent pipes must be identified with at least one label on each floor and in accessible attics. The label shall read: "Vent Piping for Future Radon Reduction System." (2009 IRC, AF103.9)

F. Combination foundations

For homes designed to be placed on combination basement/crawl space foundations, the manufacturer may, but is not required to, install separate 3-inch-minimum diameter vent pipes for each type of foundation area up through the building floors and capped below the roof. (2009 IRC, AF103.10)

G. Power source

To provide for future installation of an active depressurization system, an electrical circuit terminated in an approved box must be installed by the manufacturer in the attic or other anticipated location of vent pipe fans. (2009 IRC, AF103.12) If the circuit is dedicated solely to vent pipe fans, the manufacturer must install in the living space of the home a visual indicator that the circuit is energized, or an alarm that the circuit is not energized. If the circuit is not dedicated solely to vent pipe fans, future installation of vent pipe fans must be taken into account when designing the circuit.

H. Testing

Vent pipes must be tested at the manufacturing facility for tightness. Fully-assembled vent pipes must be field-tested by the dealer or installer unless the vent pipes were tested in a fully-assembled state at the manufacturing facility.

I. Waiver of Compliance With the Radon Standard

- (1) A manufacturer may obtain a waiver of compliance with the radon standard contained in this subsection by demonstrating to the executive director of the board that the design or construction of a dwelling makes it infeasible, as set forth below, to install piping and/or electrical supply boxes within the envelope of a state-certified home to facilitate future, on site completion of the radon mitigation system should such a system be required by code or by the consumer. The waiver request must be made prior to acceptance of the plans by the manufacturer's board approved third-party inspection agency.
- (2) In determining feasibility of compliance with the radon standard, the executive director shall consider as alternatives to a waiver the manufacturer's ability to achieve compliance through alternative construction techniques, use of different materials, or design change. The executive director may also consider other relevant factors, including cost of compliance, although cost of compliance alone is not a ground for obtaining a waiver. It is the intent of the board that waivers be sparingly granted.

- (3) The executive director's denial of a waiver must be made in writing, must state the basis for the denial, and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

SUBCHAPTER 3 INSPECTION AGENCY APPROVAL METHOD

14. Overview

The inspection agency approval method authorized by 10 MRSA §9043(1) is the primary approval method for State-certified modular homes. An inspection agency approved by the board pursuant to Subchapter 5 is responsible for:

1. Approving building systems which comply with the codes and standards incorporated by reference into Subchapter 2 and the requirements of Section 15;
2. Approving compliance assurance programs which comply with this Subchapter; and
3. Inspecting and certifying State-certified modular homes that comply with the approved building system.

15. Approved Building System

1. Approval Required

In order to obtain the certification required by 10 MRSA §9043(4), State-certified modular homes must be constructed according to an approved building system.

2. Submission for Evaluation

- A. A manufacturer shall submit to an authorized inspection agency for approval a building system that meets the requirements of subsection 8.
- B. If the submission is found to be incomplete or unsuitable for evaluation, the applicant must be notified in writing of the incompleteness or deficiencies thereof within fifteen (15) calendar days of the date the building system was received. Any subsequent submission must be treated as a new application.
- C. If the submission is found to be suitable for evaluation, a complete evaluation must be performed within thirty (30) calendar days of the date the building system was received. Upon completion, the applicant must be notified in writing of the results of the evaluation. If the building system is disapproved, the notice must include the reasons for the disapproval and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

3. Tests

The authorized inspection agency may accept tests to determine whether a building system meets the requirements of these rules if that determination cannot be made from evaluation of plans, specifications, and documentation prepared in accordance with the applicable code, recognized standards, or currently accepted engineering practice. The building system test procedures used must be reviewed and evaluated by the inspection agency.

4. Approval

Approval of building systems must be evidenced by the stamp and date of approval of the authorized inspection agency on each sheet of the approved building system, or by other effective means of identification. One copy of all approved plans, specifications, documentation, and a building system approval letter must be returned to the applicant.

5. Changes to Approved Building System

An approved building system may not be varied without prior approval by the authorized inspection agency. Amendments to the approved building system may be proposed by the submission of appropriate plans, specifications, or documentation to the authorized inspection agency for evaluation. All approved changes must be made a part of the written record of the approval. Such approval must be given in writing or be confirmed in writing within 10 calendar days of any oral authorization.

6. Suspension or Revocation of Approval

The authorized inspection agency may suspend or revoke approval of a building system whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of this chapter. Notice of such suspension or revocation must be given to the manufacturer in writing. The notice must include the reasons for the suspension or revocation and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6. The suspension or revocation may not go into effect until 30 days after the manufacturer's receipt of the written notice and is automatically stayed until the board's disposition of any appeal filed by the manufacturer.

7. Building System Requirements

A. Overview

The building system consists of plans, specifications, calculations, test results, and other documents which describe in detail the product and manufacturing processes employed to produce State-certified modular homes. For the building system to be evaluated pursuant to subsection 2, the information described in paragraphs B-H must be provided:

B. Form of Submission

- (1) All documents submitted with the application must be identified to indicate the manufacturer's name.
- (2) Plans must contain a separate schematic drawing for each specific system (e.g., plumbing, electrical, heating).
- (3) Structural connections and connection of systems, equipment, and appliances to be performed on-site must be identified, detailed, and distinguished from work to be performed in the manufacturing facility.
- (4) A set manual must show the method of interconnection between manufactured homes, and the location of connections.
- (5) Design calculations and/or test reports must be submitted when required by the authorized inspection agency.
- (6) Documents must indicate the location of the approved label.
- (7) Drawings must be dated and identified, and must include an index which can be used to determine that the package is complete.
- (8) Documents must provide or show, as appropriate, occupancy or use; area, height, and number of stories; type of construction; and loads (wind, floor, snow, and seismic).

C. General Construction

- (1) Details and methods of installation of manufactured homes on foundations and/or to each other;
- (2) Floor plan(s) and typical elevation(s);
- (3) Cross sections necessary to identify major building components;
- (4) Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used;
- (5) Attic access and attic ventilation, when required by code;
- (6) Exterior wall, roof, and soffit material;
- (7) Interior wall and ceiling material;
- (8) Barrier free provisions, if applicable;
- (9) Sizes, locations, and types of doors and windows; and

(10) Suggested foundation plans, vents, and underfloor access.

D. Fire Safety

- (1) Details of fire rated assemblies, including reference listing or test report for all stairway enclosures, doors, walls, floors, ceiling, partitions, columns, roof, and other enclosures;
- (2) Means of egress, including details of aisles, exits, corridors, passageways, and stairway enclosures;
- (3) Flame spread and smoke developed classification of interior finish materials;
- (4) Location of required draftstops and firestops;
- (5) Opening protectives in fire resistance rated systems and assemblies; and
- (6) Drawings of fire suppression systems, standpipes, fire alarms, and detection systems, when required.

E. Structural Detail

- (1) Calculations of structural members and/or test results, where appropriate, except where compliance can be demonstrated through code tables, accepted handbooks, and listing documents;
- (2) Details of structural elements, including framing details, spacing, size, and connections;
- (3) Grade, species, and specifications of materials;
- (4) Typical foundation plan and details, including details of reinforcing steel and assumed design soil bearing value;
- (5) Schedule of roof, floor, wind, and seismic loads upon which design is based; and
- (6) Column loads and column schedule.

F. Mechanical Detail

- (1) Location of all equipment, appliances, and baseboard radiation units. Indicate equipment and appliance listing or labeling agencies.
- (2) Energy conservation calculations;

- (3) Indicate make, model number, and input/output rating of all equipment and appliances, as appropriate;
- (4) Duct and register locations, sizes, and materials, as appropriate;
- (5) Method of providing combustion air, if required; and
- (6) Location of flues, vents, and chimneys; and clearances from air intakes, combustible materials, and other vents and flues.

G. Plumbing Detail

- (1) Schematic drawing of the plumbing layout, including but not limited to, size of piping; fittings; traps and vents; cleanouts and valves; and gas, water, and drainage systems; and
- (2) Plumbing materials and location of all equipment, appliances, and safety controls to be used. Indicate the make, model, rating, and capacity of equipment and appliances. Indicate equipment and appliance listing or labeling agencies.

H. Electrical Detail

- (1) Details of service equipment;
- (2) Method of grounding service equipment;
- (3) Load calculations for service and feeders;
- (4) Sizes of branch circuit conductors;
- (5) Size, rating, and location of main disconnect and overcurrent protective devices; and
- (6) Location of outlets, junction boxes, fixtures, and appliances.

16. Approved Compliance Assurance Program

1. Approval Required

In order to obtain the certification required by 10 MRSA §9043(4), State-certified modular homes must be manufactured in accordance with an approved compliance assurance program for the manufacturer's approved building system.

2. Submission for Evaluation

- A. A manufacturer shall submit to an authorized inspection agency for approval a quality assurance program that meets the requirements of subsection 6 below.

- B. If the submission is found to be incomplete or unsuitable for evaluation, the applicant must be notified in writing of the incompleteness or deficiencies within 15 calendar days of the date the quality assurance program was received. Any subsequent submission will be treated as a new application.
 - C. If the submission is found to be suitable for evaluation, a complete evaluation must be performed within 30 calendar days of the date the quality assurance program was received. Upon completion, the applicant must be notified in writing of the results of the evaluation. If the quality assurance program is disapproved, the notice must include the reasons for the disapproval.
3. Approval

Approval of compliance assurance programs must be evidenced by the stamp of approval of the authorized inspection agency on each sheet of the program documents, or by other effective means of identification. One copy of the approved application and documentation must be returned to the applicant.
 4. Changes to Approved Compliance Assurance Program

A approved compliance assurance program may not be varied in any way without prior approval by the authorized inspection agency. All approved amendments must be made a part of the written record of the approval. Such approval must be in writing or be confirmed in writing within 10 calendar days of any oral authorization.
 5. Suspension or Revocation of Approval
 - A. The authorized inspection agency may suspend or revoke approval of a compliance assurance program whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of this chapter. Notice of such suspension or revocation must be given to the manufacturer in writing. The notice must include the reasons for the suspension or revocation and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6. The suspension or revocation may not go into effect until 30 days after the manufacturer's receipt of the written notice and is automatically stayed until the board's disposition of any appeal filed by the manufacturer.
 - B. If the authorized inspection agency determines that homes manufactured pursuant to an approved building system do not comply with the Act or this chapter and the manufacturer fails to comply with a corrective order, the authorized inspection agency may suspend or revoke approval of the manufacturer's compliance assurance program. Notice of such suspension or revocation must be given to the manufacturer in writing. The notice must include the reasons for the suspension or revocation and must inform

the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6. The suspension or revocation may not go into effect until 30 days after the manufacturer's receipt of the written notice and is automatically stayed until the board's disposition of any appeal filed by the manufacturer.

6. Compliance Assurance Program Requirements

A. Overview

It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required, and if the board delegates its inspection duties, the contractual relationship between the manufacturer and the inspection agency may not diminish such responsibility. The manufacturer shall cooperate with the inspection agency by providing the inspection agency with all necessary reports, information, documents, records, facilities, equipment, samples, and other assistance for assuring compliance.

The manufacturer's compliance assurance program must be submitted in the form of documentation which shall contain complete descriptions of all the compliance assurance activities of both the manufacturer and the authorized inspection agency.

B. Compliance Assurance Program Documents

Compliance assurance program documents consist of an approved building system, as described in subsection 13; a detailed production quality control program, as described in paragraph C; and detailed on-site installation instructions, as described in paragraph D. The documents must be comprehensively indexed.

C. Production Quality Control Program

The production quality control program is a system employed by the manufacturer to assure conformance with the approved building system.

(1) Organizational Requirements

- (a) The manufacturer's name, corporate office address, and the address of each manufacturing facility must be indicated in the quality control manual.
- (b) The quality control manual must have a table of contents with the inspection agency's dated stamp of approval on the cover sheet and any revised pages.
- (c) The manufacturer shall demonstrate an organizational structure for implementing and maintaining the compliance assurance

program and the program's functional relationship to other elements of the organizational structure of the manufacturer, which structure must provide for independence from the production department.

- (d) The quality control manual must identify the employees in charge of the compliance assurance program and must describe their training and qualifications.
 - (e) There shall be a uniform system of monitoring and evaluation to ensure program effectiveness.
 - (f) There shall be a serial numbering system for State-certified modular homes.
 - (g) There shall be a method of safekeeping, handling, and attaching labels.
- (2) Materials Control
- (a) There shall be procedures for inspection of materials, supplies, and other items at the point of receipt.
 - (b) There shall be a method of protection of materials, supplies, and other items at the point of receipt.
 - (c) Provision must be made for the disposal of rejected materials, supplies, and other items.
- (3) Production Control
- (a) There must be procedures for timely remedial and preventive measures to assure product quality.
 - (b) Testing and inspection equipment must be provided, used and maintained to assure compliance with the approved building system.
 - (c) Provision must be made for frequency of sampling inspections.
 - (d) Employees in charge of the quality assurance program shall have the necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
 - (e) There must be a description of the manufacturing process showing the inspection and check points for mandatory inspection characteristics.

(f) There must be inspection and test procedures, including accept and reject criteria and mandatory inspection characteristics.

(g) Provision must be made for disposition of rejects.

(4) Finished Product Control

(a) There must be procedures for handling and storing all finished homes at the manufacturing plant or other storage point.

(b) There must be procedures for packing, packaging, shipping operations and related inspections.

D. On-Site Installation Instructions

The on-site installation instructions consist of specific installation procedures provided by the manufacturer which specify the materials and procedures required to install the home in conformance with applicable codes and standards. Specific installation procedures provided by the manufacturer must include:

(1) Anchoring of manufactured housing to the approved foundation.

(2) Structural connections between the manufactured housing.

(3) connections required to complete the mechanical and/or utility systems; and

(4) Any special conditions affecting other structural elements.

(5) The manufacturer shall provide a plan to review all installation procedures, if the home is not installed by factory personnel.

17. Inspection by Board or Authorized Inspection Agency

1. Overview

The board shall make such inspections of the entire process of manufacturing, certifying, handling, storing, and delivering State-certified modular homes produced pursuant to an approved building system as it deems necessary. The board will ordinarily delegate this authority to an authorized inspection agency.

2. Inspection of Manufacturing Facilities

As part of the process of evaluating approved building systems and compliance assurance programs, the authorized inspection agency shall inspect the manufacturing facilities in which the homes are to be manufactured.

3. Nature and Frequency of Inspections

The authorized inspection agency shall make such inspections as may be required by an approved compliance assurance program, or as may be deemed necessary by the board.

4. Homes Damaged After Certification

Prior to the issuance of a certificate of occupancy, the authorized inspection agency shall inspect State-certified modular homes which it determines to have been sufficiently damaged after certification to warrant such inspection and to take such action with regard to such homes as is authorized under Section 17(8), or as is otherwise necessary to eliminate dangerous conditions.

5. Remediation of Damage

The board or an authorized inspection agency shall require State-certified modular homes which are so damaged as to no longer comply with the Act and this chapter to be brought into compliance promptly. If such homes are not brought into compliance with the Act and this chapter within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the executive director or authorized inspection agency must order in writing that the labels be removed from such homes. The order must include the reasons for such action and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

Irreparably damaged homes must be disposed of in accordance with applicable law.

6. Limitation of Inspection

No inspection entailing disassembly, damage to, or destruction of State-certified modular homes may be conducted except to implement Section 17(8) and Section 18(5).

18. Certification

1. Overview

State-certified modular homes, accepted by the authorized inspection agency as having been manufactured according to any approved building system and an approved compliance assurance program, must be certified by the board as complying with the requirements of the Act and this chapter. Certification is evidenced by the attachment of a label to each dwelling unit.

The board may delegate to authorized inspection agencies all or any part of its authority to inspect State-certified modular homes, to issue labels and to affix labels to State-certified modular homes.

2. Attachment of Labels

The certification label must be permanently affixed to the State-certified modular home and must be located in the kitchen sink base cabinet.

3. Contents of Labels

The label must be in the form of a Manufactured Housing Seal shall contain, at a minimum, the following information:

- A. A statement of certification by the manufacturer;
- B. Manufacturer's code number (license number);
- C. Location of manufacturing facility;
- D. Date of issuance;
- E. Manufacturer's serial number;
- F. Manufactured Housing Seal serial number; and
- G. Authorized inspection agency.

4. Issuance of Labels

The certification label must be issued by the authorized inspection agency in accordance with the following:

- A. Labels must be serially numbered;
- B. A manufacturer's approved compliance assurance program, as described in section 16, must include requirements for issuance, possession of, attachment of, and accounting for all labels to assure that labels are attached only to homes manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program;
- C. The board or the authorized inspection agency may entrust labels to the custody of one or more employees of the manufacturer who shall be charged with controlling the use of such labels. Such employees may not be given custody of more labels than are necessary to accommodate the manufacturer's anticipated production. If the conditions of custody are violated, the board or the authorized inspection agency shall immediately regain possession of all labels that have not been applied to homes and shall take such further action with respect to homes already labeled, and with respect to future labeling, as it may deem necessary to assure compliance with the Act and the board's rules; and
- D. Labels may only be issued to a manufacturer licensed by the board pursuant to 10 MRSA §9021(1).

[NOTE: The fee for each label is set forth in Chapter 10, Section 22 of the rules of the Office of Professional and Occupational Regulation, entitled “Establishment of License Fees.”]

5. Records of Labels

Permanent records must be kept of the handling of labels indicating, at a minimum, how many labels have been applied to manufactured homes, which labels have been applied to which homes; the disposition of any damaged or rejected labels; the location and custody of all unused labels; and the first destination of labeled homes. Such records must be maintained by the manufacturer or by the authorized inspection agency. A copy of such records covering the attachment of each label must be sent to the board upon request.

The manufacturer must return all unused labels to the board or the authorized inspection agency upon expiration, suspension or revocation of the manufacturer’s license.

6. Attachment of Labels

The board or the authorized inspection agency shall affix labels to homes or building components manufactured in accordance with an approved building system that also met the requirements of an approved compliance assurance program. The manufacturer may affix the label if custody of labels has been entrusted to employees of the manufacturer in accordance with subsection 4(D).

7. Manufacturer’s Data Plate

The following information must be placed on the permanent manufacturer’s data plate located in the vicinity of the certification label:

- A. Name and address of manufacturer;
- B. Manufacturer’s identification number (serial number);
- C. Manufacturer’s plan approval designation (model number/name);
- D. Insignia serial number;
- E. Construction type;
- F. Occupancy type (use group);
- G. Seismic zone;
- H. Gas type, if appropriate;
- I. Wind velocity load;

- J. Roof live load;
- K. Name and date of applicable nationally-recognized code complied with;
and
- L. Date of manufacture.

8. Alterations of Certified Units

Manufactured homes certified and labeled pursuant to the Act and this chapter may not be altered in any way prior to the issuance of a certificate of occupancy without resubmission to the authorized inspection agency for approval of the alteration and of the unit which includes the alteration. The authorized inspection agency shall inspect alterations made to the manufactured home wherever it is located and such inspection may include such tests or destructive or non-destructive disassembly as the authorized inspection agency deems necessary to assure compliance with the Act and this chapter. Local enforcement agencies may inspect such alterations upon request by the authorized inspection agency and with the approval of the board.

19. Violations

1. Individual Nonconformances

Whenever the authorized inspection agency has reason to believe that an individual building or dwelling unit fails to conform to the requirements of this chapter, the authorized inspection agency shall notify the manufacturer of the nonconformance and afford the manufacturer an opportunity to correct the nonconformance in a manner acceptable to the authorized inspection agency. If the possible nonconformance comes first to the attention of the board, the board shall notify the authorized inspection agency in order that that the authorized inspection agency can carry out its responsibilities under this Section.

2. Order of Correction; Disciplinary Action

If the manufacturer fails or refuses to successfully resolve the problem or correct the nonconformance within 30 days, or such reasonable additional time as may be given by the authorized inspection agency, the authorized inspection agency shall notify the board of same. The executive director may order the manufacturer to correct the nonconformance. The order must be in writing, must include the reasons for such action and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

A manufacturer who fails to timely comply with or appeal from an order of correction is subject to disciplinary action and other penalties as set forth in the Act and 10 MRSA §8003(5-A).

3. Certificate of Occupancy

If the nonconformance involves a home for which a certificate of occupancy has not been issued, the authorized inspection agency shall affix or cause to be affixed an invalidation to the label and shall notify the local enforcement agency having jurisdiction that the label has been invalidated and that a certificate of occupancy should not be issued. Where the nonconformance does not create a real and present hazard to the health or safety of the intended occupants of the dwelling unit, the authorized inspection agency may advise the local enforcement agency that the invalidation should not prevent issuance of a temporary certificate of occupancy, provided, however, that the authorized inspection agency shall have fixed a time within which the nonconformance shall be corrected.

4. Class Nonconformance

Whenever the executive director has reason to believe a class of manufactured homes may not conform to the requirements of this chapter, the executive director may order the manufacturer to correct the class nonconformance in all homes affected by it. The order must be in writing, must include the reasons for such action and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

A condition is considered to be a class nonconformance if:

- A. The approved building system under which a State-certified modular home was constructed was not code-compliant, or a series of individual nonconformances establishes that there has been a failure of the approved compliance assurance program under which the State-certified modular home was constructed; and
- B. The nonconformance constitutes a real and present hazard to the health and safety of the occupants or intended occupants of the home, or the nonconformance constitutes a major structural defect that impairs the ability of any load-bearing portion of the home to carry the intended loads in accordance with the requirements of this chapter.

A manufacturer who fails to timely comply with or appeal from an order of correction is subject to disciplinary action and other penalties as set forth in the Act and 10 MRSA §8003(5-A).

5. Program Nonconformance

- A. Whenever the board or an authorized inspection agency discovers a pattern or practice of serious failure or refusal to adhere to the provisions of an approved quality assurance program, or whenever the board discovers a serious violation of this chapter in an approved building system which cannot be corrected while production continues, the board may, after notice and opportunity for hearing, suspend or revoke approval of the building system or quality assurance program and may invalidate or cause to be invalidated all labels affixed to any State-certified modular home issued pursuant to such building system or quality assurance

program. The hearing must be conducted in accordance with the provisions of the Maine Administrative Procedure Act applicable to adjudicatory hearings. The executive director has the burden of proving the program nonconformance at hearing.

- B. Suspension is appropriate when the board finds that production can resume once the pattern or practice, serious failure or refusal, or serious violation has been corrected.
- C. Revocation is appropriate when the board finds that the failure or refusal to adhere to the provisions of the approved quality assurance program has been habitual, whether that habitual failure or refusal has been deliberate or the result of negligence on the part of the manufacturer, its agents, or its employees.
- D. Upon suspension or revocation of any building system or quality assurance program, no further labels may be attached to any modular home manufactured pursuant to the building system or compliance assurance program. Upon reinstatement of approval after suspension, labels may be attached after the date on which approval is reinstated. Any modular home manufactured during a period of suspension for which an appeal is pending may not be labeled unless the appeal is resolved in favor of the manufacturer and the board or authorized inspection agency has approved or inspected such manufactured home and determined that all requirements for attachment of a label have been met.
- E. The manufacturer shall return all labels allocated for any modular home affected by a suspension or revocation to the issuing agency within ten 10 calendar days of the effective date of the suspension or revocation. The manufacturer is entitled to a refund of any applicable label fees which may have been paid for the returned labels.

20. Authority of Local Enforcement Agency

1. Scope of Authority

The local enforcement agency may exercise all authority granted by the Maine Uniform Building and Energy Code or local ordinance, except that the local enforcement agency may not deny, delay or withhold a building permit or occupancy permit for a one- or two-family residential building because Manufactured Housing Board-certified building components fail to comply with the Maine Uniform Building and Energy Code or local ordinance. The local enforcement agency may exercise all authority granted by the Maine Uniform building and Energy Code or local ordinance over certified building components when the components will not be used to construct a one- or two-family home.

[NOTE: See also Section 5(1), “Applicability of Local Law.”]

2. Effect of Certification Label

The presence of a certification label affixed to the home as required by 10 MRSA §9043(4) and this chapter is sufficient to demonstrate that building components are certified in accordance with these rules for certification of manufactured housing.

3. Design Changes

- A. The local enforcement agency may not require changes to plans, specifications and installation instructions provided as part of the certified building components.
- B. The local enforcement agency may exercise all authority granted by the Maine Uniform Building and Energy Code or local ordinance over the design of all work performed on site and not described in plans, specifications and installation instruction provided as part of the certified building components.

4. Workmanship

- A. The local enforcement agency may exercise all authority granted by the Maine Uniform Building and Energy Code or local ordinance over the workmanship of all work performed on site in accordance with plans, specifications and installation instructions provided as part of the certified building components, provided that the local enforcement agency may not require workmanship in excess of journeyman quality.
- B. The local enforcement agency may exercise all authority granted by the Maine Uniform Building and Energy Code or local ordinance over the workmanship of all work performed on site and not described in plans, specifications and installation instruction provided as part of the certified building components.

5. Relocation of State-certified Modular Homes

When a State-certified modular home is relocated, the local enforcement agency must accept the home in accordance with these rules.

- A. A home which has not been modified or altered in any way may not be required to conform with the current code.
- B. A home which has been modified or altered by more than 50% of the replacement value of the home must be required to be brought into full conformance with the current code.
- C. A home which has been modified or altered by less than 50% of the replacement value of the home must have only the modified or altered portion brought into conformance with the current code.

21. Proprietary Information

Any information relating to building systems and compliance assurance programs which a manufacturer or other party considers proprietary must be prominently designated as such at the time of its submission. Disclosure of such information is governed by 10 MRSA §9012.

SUBCHAPTER 4

ADDITIONAL APPROVAL METHODS FOR STATE-CERTIFIED MODULAR HOMES

22. Overview

As an alternative to the inspection agency approval method described in Subchapter 3 of the board's rules, modular homes may be certified in accordance with the local option method authorized by 10 MRSA §9043(2) or the special program method authorized by 10 MRSA §9043(3).

23. Local Option Approval Method

State-certified modular housing may be constructed in compliance with a local building code instead of the codes, standards, specifications and requirements set forth in Subchapter 2 provided that the requirements of this Section are met.

1. The manufacturer must be licensed by the board.
2. Installation and connection of plumbing, heating and electrical components that are not part of the envelope of the home must be installed by licensed professionals pursuant to the standards adopted by the boards that license the respective trades.
3. The manufacturer shall certify that the modular home conforms to the recognized local building code of the municipality identified pursuant to subsection 3 above. The manufacturer's certificate must be permanently affixed to the kitchen sink base cabinet of the modular home.

24. Special Program of Approval

1. Generally

The board may approve a special program of approval if a manufacturer demonstrates to the satisfaction of the board that an unreasonable economic hardship prevents the manufacturer from meeting the requirements of the inspection agency approval method set forth in Subchapter 3 or the local option approval method set forth in Section 23. In no case may a program of unsupervised self-certification be authorized.

2. Demonstration of Hardship

The manufacturer shall document the nature and extent of the hardship to the board. The cost of complying with the inspection agency approval method does not in and of itself constitute hardship.

3. Additional Criteria for Approval

The manufacturer shall identify the independent contractor hired to perform inspections of the manufacturing process, and shall demonstrate to the satisfaction of the board that inspections will be performed with reasonable frequency to determine the quality of the raw materials, the grade of the finished product, and the adequacy of the design package and fabrication procedure. As a precondition to board approval, the independent contractor must evaluate the manufacturer's building system and certify to the board that the building system meets the requirements of Subchapter 2.

4. Action by Board

The executive director may refuse to approve a special program that fails to meet the approval criteria subsections 1–3. Such refusal must be in writing, must include the reasons for the refusal and must inform the manufacturer of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

SUBCHAPTER 5 APPROVAL OF INSPECTION AGENCIES

25. Requirements for Submission

An inspection agency seeking approval shall submit an application to the board which includes the items listed in this Section.

1. The original Articles of Incorporation of the agency and all subsequent amendments thereto, as filed in the State of incorporation.
2. The bylaws of the organization, if any.
3. The names, addresses, and business of all owners, members of the board of directors and top management personnel.
4. Certification by the agency that:
 - A. Its board of directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment; and
 - B. Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.

- C. The inspection agency will not perform design or quality assurance program approvals for any manufacturer whose design or quality assurance program has been created in whole or in part by members of the inspection agency or any affiliated organization.
- (1) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection or evaluation programs. Registration in more than one State is not required.
 - (2) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of engineering; the states in which each is registered; and the services each performs. Registration in more than one state is not required.
 - (3) An organizational chart showing management and supervisory persons, including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time engineers. The ASTM E-541 Standard must be used to establish minimum personnel requirements.
 - (4) Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform; and the qualification of each group and each technician to perform the work assigned.
 - (5) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
 - (6) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.
 - (7) All engineers, technicians, and other personnel who will perform services for the organization, but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.
 - (8) Type of products, components, equipment, structures, and other items which the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications, and requirements with respect to which the organization has had

experience in providing evaluation, inspection, or testing services, and the number of years of experience with each.

- (9) Description of the record-keeping system the agency proposes to use with particular regard to availability of records to the board and the capacity to render reports.
- (10) Description of the frequency with which the agency performs inspections or evaluations.
- (11) List of the States in which the agency is now approved to inspect or evaluate manufactured housing.
- (12) Certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and the requirements adopted herein, or manufactured housing for compliance with approved building systems.

26. Procedures for Approving and Delegating

1. The board may approve inspection agencies which meet the requirements of Section 25 and which the board finds otherwise qualified to perform the functions proposed to be delegated to them.
2. Prior to a full evaluation of an application for approval, the board shall determine whether such application is suitable for processing. If the application is found to be unsuitable for processing, the applicant must be notified in writing of such unsuitability and the basis thereof within 30 calendar days of the date the application is received by the board. In such event, the findings of unsuitability shall be without prejudice. If the application is found to be suitable, the applicant shall be notified in writing within 30 calendar days and the evaluation shall be conducted within 60 calendar days of the date the application is received by the board.
3. Approval of inspection agencies must be evidenced by a letter to the applicant indicating such approval and stating specifically the functions which the authorized inspection agency has been approved to perform.
4. If an inspection agency is not approved, the refusal must be in writing and must include a written explanation of the reasons for disapproval. The refusal must also inform the inspection agency of the time and manner in which an appeal to the board may be taken pursuant to Subchapter 6.

27. Continued Approval of Authorized Inspection Agencies

1. The board or its agent shall monitor each authorized inspection agency at any reasonable time, with or without prior announcement, in order to monitor the reliability of the agency. Each such examination must investigate the adequacy of all evaluation procedures including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of

such examination must be kept on file at the offices of the board. Copies of such reports must be sent to the authorized inspection agency. Authorized inspection agencies must be specifically notified of any deficiencies and of the manner in and time by which such deficiencies must be eliminated. If deemed necessary by the board, approval of an inspection agency may be suspended or revoked as provided in Section 28.

Such examination must also be conducted before approving an inspection agency.

2. The board or its agent shall monitor each authorized inspection agency, at any reasonable time, with or without prior announcement, at either the inspection agency's office or at a manufacturer's place of business, in order to measure the performance of each inspection agency and of its monitoring of the manufacturer's compliance assurance program. Each such examination must investigate the adequacy of all procedures used by the authorized inspection agency in the monitoring activity including personnel selection, training, supervision, reporting accuracy, use of approved documents, evaluation of reports, decision criteria, and all other activities which measure the effectiveness of the manufacturer's program. The results of such examinations must be kept on file at the offices of the board. Copies of such reports must be sent to the authorized inspection agency. The authorized inspection agency must be specifically notified of any deficiencies and the means and time by which such deficiencies must be eliminated. If deemed necessary by the board, an inspection agency's approval may be suspended or revoked as provided in Section 28.

Such examination must also be conducted before approving an inspection agency.

28. Suspension and Revocation

1. Grounds

The board may suspend or revoke its approval of an authorized inspection agency for any of the following reasons:

- A. The approval was issued on the basis of incorrect information;
- B. The approval was issued in violation of the Act or this chapter; or
- C. The authorized inspection agency has failed to properly perform its functions.

2. Procedure

The board shall provide the authorized inspection agency notice and opportunity for hearing prior to suspending or revoking approval. The hearing must be conducted in accordance with the provisions of the Maine Administrative Procedure Act applicable to adjudicatory hearings. The executive director has the burden of proving the incorrect information, violation, or failure to properly perform functions at hearing.

3. Procedures Following Suspension or Revocation
 - A. If the board suspends or revokes the approval of an inspection agency, the manufacturers being evaluated or inspected by such agencies must be given notice in writing after the disposition of any appeal of the suspension or revocation with the reasons set forth therein.
 - B. An inspection agency for which approval has been suspended or revoked shall, within 30 calendar days of the suspension or revocation, deliver to the custody of the board all labels or label devices and other required documents in the evaluation of inspection agency's possession, under its control, or for which it is responsible, pursuant to the Act and these rules.
 - C. The board, upon request of a manufacturer affected by the suspension or revocation of approval of an inspection agency, shall establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease, deliver, and install manufactured housing in conformance with the Act and these rules until suspension or revocation is lifted or arrangements can be made to utilize another approved inspection agency.

SUBCHAPTER 6 APPEALS TO THE BOARD

29. Scope

The provisions of this subchapter apply to the following types of appeals to the board:

1. A manufacturer who appeals the executive director's denial of a waiver of compliance from the Energy Specifications Table sought under Section 11(6)(M)(4);
2. A manufacturer who appeals the executive director's denial of a waiver of compliance with the radon standard sought under Section 13(4)(I)(3);
3. A manufacturer who appeals an authorized inspection agency's refusal to approve a building system pursuant to Section 15(2)(C);
4. A manufacturer who appeals an authorized inspection agency's suspension or revocation of approval of a building system pursuant to Section 15(6);
5. A manufacturer who appeals an authorized inspection agency's suspension or revocation of approval of a compliance assurance program pursuant to Section 16(5)(A) or (B);
6. A manufacturer who appeals an order of the executive director or authorized inspection agency to remove a label from a damaged home pursuant to Section 18(5);

7. A manufacturer who appeals the executive director's order to correct a nonconformance pursuant to Section 19(2);
8. A manufacturer who appeals the executive director's order to correct a class nonconformance pursuant to Section 19(4);
9. A manufacturer who appeals the executive director's refusal to approve a special program of approval pursuant to Section 24(3); and
10. An inspection agency who appeals the executive director's denial of approval pursuant to Section 26(4).

30. Timeliness

To be timely, an appeal must be received by the board in writing no later than 30 days after the manufacturer or inspection agency's receipt of written notice of the suspension, revocation, order, refusal, denial or other action appealed from. Filing of the appeal is complete when the appeal is received by postal mail, express delivery, in-hand delivery or electronic mail. Untimely appeals will not be considered.

31. Contents of Appeal

The appeal must include a copy of the suspension, revocation, order, refusal, denial or other action appealed from, a description of the manufactured housing affected, a detailed explanation of the reason for the appeal, and a statement of the relief sought by the appellant. The board will provide a copy of the appeal to the authorized inspection agency or the executive director, as the case may be.

32. Appeal Hearing

An evidentiary hearing will be held by the board unless the parties to the appeal are able to satisfactorily resolve the dispute that led to the filing of the appeal. The appeal will be heard de novo and will be governed by the provisions of the Maine Administrative Procedure Act applicable to adjudicatory proceedings. The authorized inspection agency or the executive director, as the case may be, has the burden of proof at hearing.

STATUTORY AUTHORITY: 5 MRSA §8051; 10 MRSA §§9005-A, 9041, 9042

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

**Chapter 350: LICENSING – SCOPE OF PRACTICE, OBLIGATIONS OF LICENSEES,
PROHIBITED PRACTICES**

Section 1(A)(2) of this chapter is amended as shown below. In all other respects this chapter remains unchanged.

1. Scope of Practice

This section describes the scope of practice applicable to the different licenses issued by the board. No licensee may practice outside the scope of practice applicable to the license or licenses held by the licensee.

A. Dealers—

Dealers are authorized to—

1. Purchase, sell, offer to sell, broker and distribute manufactured housing;
2. Install and service manufactured housing ~~sold by the dealer~~; and
3. Negotiate or act as an agent for the purchase, sale or distribution of manufactured housing.

STATUTORY AUTHORITY: 10 MRSA §§9005-A, 9021

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**385 MANUFACTURED HOUSING BOARD****Chapter 820: DEFINITIONS**

Summary: This chapter defines terms used in the rules relating to manufactured housing communities.

1. Definitions

As used in the board's rules, unless the context otherwise indicates, the following words have the following meanings:

1. **Board.** "Board" means the Manufactured Housing Board as described in 10 MRSA §9003.
2. **Central subsurface sewer system.** "Central subsurface sewer system" means a system designed to collect sewage from two or more individual sites and convey it to another area where the sewage is disposed of in a manner approved by the Department of Human Services, Division of Health Engineering. A central subsurface sewer system may consist of more than one cluster in different areas of the community.
3. **Community.** "Community" means a manufactured housing community.
4. **Community water system.** "Community water system" means any system of pipes or other constructed conveyances, structures and facilities owned by the manufactured housing community through which water is obtained for or sold, furnished or distributed to community residents for human consumption that is regulated by the Department of Human Services, Division of Health Engineering, pursuant to the Safe Water Drinking Act, 22 MRSA §2611 *et seq.*
5. **Home.** "Home" means a manufactured home as defined herein, ~~and does not include a modular home as defined in 10 MRSA §9002(7)(B).~~
6. **Manufactured home.** "Manufactured home" means:
 - A. A structure constructed prior to June 15, 1976, transportable in one or more sections which is 8 body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
 - B. A structure constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development ("HUD") standard, meaning a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as

a dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, *et seq.*

- C. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating air-conditioning or electrical systems contained therein. Such homes may not be more than one story in height but may have a non-habitable attic space.

7. **Manufactured housing community.** "Manufactured housing community" means a parcel or adjoining parcels of land under single ownership, which has been planned and improved for the placement of three or more manufactured homes as defined in section 6, where at least 50% of the homes must comply with section 6(A) or (B) of this chapter, but shall not include a construction camp or a campground. "Manufactured housing community" is synonymous with "mobile home park" as defined in 10 MRSA §9081(2).
8. **Pad.** "Pad" means the area that has been prepared for the placement of a manufactured home.
9. **Potable water.** "Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the authority having jurisdiction.
10. **Private Water System.** "Private water system" means any system of pipes or other constructed conveyances, structures and facilities owned by the manufactured housing community through which water is obtained for or sold, furnished or distributed to community residents for human consumption that is not regulated by the Department of Human Services, Division of Health Engineering, pursuant to the Safe Water Drinking Act, 22 MRSA §2611 *et seq.*
11. **Proprietor.** "Proprietor" means any person, corporation, firm, partnership, municipality or other entity that conducts, controls, manages or operates any manufactured housing community.
12. **Resident.** "Resident" means a tenant in a manufactured housing community.
13. **Site.** "Site" means the land surrounding and including the pad that is occupied by a resident.
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STATUTORY AUTHORITY: 10 MRSA §§9005-A, 9085

EFFECTIVE DATE:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 890: MANUFACTURED HOME INSTALLATION STANDARDS

Subchapter A, Section VII of this chapter is amended as shown below. In all other respects this chapter remains unchanged.

[Addition of chapter summary: “This chapter sets forth minimum requirements for the initial installation of new manufactured homes in accordance with federal standards.”]

* * *

VII. Preoccupancy Inspections

A. Generally

Board staff will conduct pre-occupancy inspections of 20% of all new manufactured homes installed in Maine. The 20% will be selected randomly from locations throughout the state. For homes that pass inspection, a label will be affixed under the kitchen sink cabinet certifying that the installation complied with this installation standard. For homes that do not pass inspection, a notice of violation and order of correction will be issued to the dealer or mechanic who performed the installation in the manner described in Chapter 370, Section 5(A) of the board’s rules. The licensee shall respond to the notice of violation and order of correction as set forth in Chapter 370, and the provisions of Chapter 370 shall apply to any further proceedings arising from the notice of violation and order of correction. For purposes of this chapter, model homes are considered new homes as they have never been occupied.

B. Emailing Purchase Information to Board

A dealer shall email the following information to the executive director of the board immediately after receiving an order for manufactured housing from a purchaser:

1. The name and address of the dealer;

2. The manufacturer of the home;

3. The serial number of the home;
4. The estimated date of delivery;
5. The name of the purchaser; and
6. The anticipated physical address of the home.

NOTE: The current email address of the executive director is—
robert.v.leclair@maine.gov

C. Response From Board

The board will respond by email to the dealer. The response will state whether or not the home reported by the dealer has been selected for pre-occupancy inspection.

D. Inspection

If the home has been selected for pre-occupancy inspection, the dealer shall notify the executive director by email when the home is installed and ready for occupancy, but prior to actual occupancy. The board will then co-ordinate a date and time for the pre-occupancy inspection with the dealer. The board will use its best efforts to perform the pre-occupancy inspection within 5 business days after receipt of notice from the dealer. The dealer shall be present at the pre-occupancy inspection. If the home passes inspection, the seal will be affixed by the inspector at the conclusion of the inspection and a copy of the inspection report will be mailed to the dealer.

E. Fee

The fee for the pre-occupancy inspection is established by the Director of the Office of Professional and Occupational Regulation and appears in Chapter 10, Section 5(24) of the rules of the Office of Professional and Occupational Regulation, entitled “Establishment of License Fees.” The board will bill the dealer for the fee. The dealer shall pay the fee within 30 days of receipt. Failure to timely pay the fee will result in disciplinary action against the dealer.

STATUTORY AUTHORITY: 10 MRSA §§9005-A, 9006

EFFECTIVE DATE: