

10 §9021. LICENSES

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The board shall adopt rules governing qualifications for each category of license under its jurisdiction. [1993, c. 642, §22 (NEW).]

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

[2007, c. 402, Pt. D, §7 (AMD) .]

1-A. Initial training. All licensees and applicants for licensure must obtain initial training, including, but not limited to, the servicing and installation of manufactured housing. Applicants for initial licensure must complete the training before the board approves the application for licensure.

[2007, c. 402, Pt. D, §7 (AMD) .]

2. License fees.

[2007, c. 402, Pt. D, §7 (RP) .]

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

[2009, c. 241, Pt. A, §4 (AMD) .]

3. License term. A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an application for renewal and the payment of the renewal fee as set pursuant to subsection 2-A. A license may be renewed up to 90 calendar days after the date of expiration upon payment of a late fee in addition to the renewal fee. An applicant who submits an application for renewal more than 90 calendar days after the expiration date is subject to all requirements governing new applicants under this chapter.

[2009, c. 241, Pt. A, §5 (AMD) .]

4. Renewals. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under subsection 2-A. If any licensee fails to renew within 90 days after expiration, that licensee is required to make a new application.

[2007, c. 402, Pt. D, §7 (AMD) .]

5. Renewals.

[1981, c. 152, §13 (RP) .]

6. Financial responsibility. The board may require bonding or other reasonable methods to ensure that manufacturers, dealers, developer dealers and others licensed under this chapter are financially responsible to fully comply with this chapter.

[2005, c. 344, §15 (AMD) .]

7. Service of process. In order to obtain a license under this chapter, a person who is not a resident of this State shall designate the executive director of the board as the person's agent for service of process in this State. The following provisions govern this requirement.

A. A person who applies for a license shall file with the executive director, in a form prescribed by rule, an irrevocable consent appointing the executive director to be that person's agent to receive service of any lawful process in any civil proceeding against that person, a successor or a personal representative that arises under this chapter or any rule or order of the board after consent has been filed, and that service of process has the same force and validity as if served on the person who filed the consent. [1993, c. 642, §25 (NEW) .]

B. If a person engages in conduct prohibited by this chapter or any rule or order of the board and that person has not filed a consent to service of process under paragraph A, the executive director is automatically appointed as the person's agent to receive service of any lawful process in a civil proceeding against that person, a successor or a personal representative that results because of the person's conduct under this chapter or any rule or order of the board, and that service of process has the same force and validity as if served on the person. [1993, c. 642, §25 (NEW) .]

C. Service under paragraphs A and B may be made by leaving a copy of the process in the office of the executive director but is not effective unless:

(1) The plaintiff, who may be the executive director or the board, immediately sends notice of the service and a copy of the process by registered or certified mail, return receipt requested, to the defendant or the respondent at the address last known to the executive director; and

(2) The plaintiff files an affidavit of compliance with this paragraph in the proceeding on or before the return date of the process, if any, or within any further time the court, or the board in a proceeding before the board, allows. [1993, c. 642, §25 (NEW) .]

D. Service as provided in paragraph C may be used in any proceeding before the board or by the executive director in any proceeding in which the executive director is the moving party. [1993, c. 642, §25 (NEW) .]

E. When the process is served under paragraph C, the court or the board shall order continuances as necessary to afford the defendant or the respondent reasonable opportunity to defend. [1993, c. 642, §25 (NEW) .]

[1993, c. 642, §25 (NEW) .]

8. Licensing penalties.

[2007, c. 402, Pt. D, §7 (RP) .]

8-A. Denial or refusal to renew license; disciplinary action. In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the following reasons:

A. Accepting manufactured housing, directly or indirectly, from a manufacturer not licensed by the State pursuant to this chapter; [2007, c. 402, Pt. D, §7 (NEW).]

B. Selling or delivering, directly or indirectly, manufactured housing to a dealer or developer dealer not licensed by the State pursuant to this chapter; or [2007, c. 402, Pt. D, §7 (NEW).]

C. Violation of any of the provisions of chapter 213. [2007, c. 402, Pt. D, §7 (NEW).]

[2007, c. 402, Pt. D, §7 (NEW).]

9. Proof of sales tax registration. The board shall require that an applicant for a manufacturer, dealer or developer dealer license under this subchapter demonstrate that the applicant is registered with the State Tax Assessor for the collection of sales and use tax under Title 36, chapter 211 or that the applicant is not required to register under that chapter.

[2005, c. 344, §17 (AMD).]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1979, c. 302, §§1,2 (AMD). 1981, c. 152, §13 (RPR). 1983, c. 553, §15 (AMD). 1991, c. 391, §§2-4 (AMD). 1993, c. 642, §§22-25 (AMD). 1999, c. 386, §§C1,2 (AMD). 2001, c. 281, §2 (AMD). 2005, c. 344, §§12-17 (AMD). 2007, c. 402, Pt. D, §7 (AMD). 2009, c. 241, Pt. A, §§4, 5 (AMD).

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