

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 820: Definitions (amended)
Chapter 830: Licensure of Manufactured Housing Communities (amended)
Chapter 840: Rules Relating to Drinking Water Systems of Manufactured Housing Communities (new)
Chapter 850: Community Licensing - Standards (amended)
Chapter 860: Inspections and Complaints (amended)

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

CONTACT PERSON FOR THIS FILING: Robert V. LeClair, Executive Director, Manufactured Housing Board, 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): Same as above.

PUBLIC HEARING (if any): June 26, 2015 at 9:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 6, 2015 at 5:00 p.m.

BRIEF *SUMMARY: The Manufactured Housing Board (“Board”) proposes a new rule chapter on drinking water systems (Chapter 840) and amendments to existing rule chapters (Chapters 820, 830, 850, and 860).

Proposed new rule Chapter 840 clarifies and elaborates on the rules regulating drinking water systems. The rule first distinguishes between Community and Private Water Systems. Community Water Systems are regulated by the Maine Drinking Water Program of the Division of Environmental Health (“Division”) within the Maine Center for Disease Control and Prevention, Department of Health and Human Services, whereas Private Water Systems are regulated by the Board. The rule then sets forth the drinking water requirements for new and existing Private Water Systems regulated by the Board, with the Division acting as a technical advisor. Currently, the rules regulating Private Water Systems are located in Appendix A of Chapter 850.

Proposed rule amendments to existing rule chapters include: allowing the use of two-story modular homes in communities as long as the homes do not exceed 16 feet in width measured at any floor; adding the requirement of an email address on applications; clarifying the requirement of a license fee for a change of ownership; removing a grandfather provision on the number of sites in a community; updating a reference to the National Electric Code; and making other minor revisions and updates.

A more detailed description and the text of the proposed rules may be obtained from www.maine.gov/professionallicensing.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None.

STATUTORY AUTHORITY FOR THIS RULE: 10 MRS §§ 9005-A, 9084, 9085, 9086; 5 MRS § 9001

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: holly.doherty@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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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 MRS ~~A~~ § 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 Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~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 water source and 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 Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~Department of Human Services, Division of Health Engineering~~, pursuant to the Safe ~~Water~~ Drinking Water Act, 22 MRS ~~A~~ § 2611, *et seq.*
 5. **Home.** "Home" means a manufactured home as defined herein.
 6. **Licensee.** "Licensee" means a manufactured housing community regulated by the Board that holds a current license issued by the Board, or a manufactured housing community, together with its owner, that formerly held a license issued by the Board that has expired or been suspended.
- ~~7.6.~~ **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 ~~with but may have~~ a non-habitable attic space or two habitable stories in height not to exceed 16 feet in width measured at any floor.

8.7. 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 76, where at least 50% of the homes must comply with section 76(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 MRS ~~A~~ § 9081(2).

9.8. Pad. “Pad” means the area that has been prepared for the placement of a manufactured home.

10.9. Potable water. “Potable water” means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the authority having jurisdiction.

11.10. Private Water System. “Private water system” means any system of pipes or other constructed conveyances, structures and facilities owned or controlled 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 Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~Department of Human Services, Division of Health Engineering,~~ pursuant to the Safe ~~Water~~ Drinking Water Act, 22 MRS ~~A~~ § 2611, *et seq.*

12.11. Proprietor. “Proprietor” means any person, corporation, firm, partnership, municipality or other entity that conducts, controls, manages or operates any manufactured housing community.

13.12. Resident. “Resident” means a resident of ~~tenant in~~ a manufactured housing community.

14.13. Site. “Site” means the land surrounding and including the pad that is occupied by a resident.

STATUTORY AUTHORITY: 10 MRS~~A~~ §_9085

EFFECTIVE DATE:

April 1, 1984

AMENDED:

September 1, 1984

May 1, 1986

March 1, 1987

August 19, 1988

March 14, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 11, 1997

AMENDED:

March 5, 1997 - Sec. 1(O)

NON-SUBSTANTIVE CORRECTION:

August 6, 1997 - “Rome” corrected to “Home” in Definitions (I).

REPEALED AND REPLACED:

November 8, 2003 - filing 2003-400

AMENDED:

June 22, 2009 – filing 2009-255

November 10, 2012 – Section 1(5), filing 2012-309

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 830: LICENSURE OF MANUFACTURED HOUSING COMMUNITIES

Summary: This chapter sets forth initial and renewal licensure requirements of manufactured housing communities.

1. Initial Licensure

1. Overview

An applicant for an initial license to conduct, control, manage or operate a manufactured housing community shall submit an application to the **B**board on forms prescribed by the **B**board along with the required fee. An initial license to conduct, control, manage or operate a manufactured housing community expires on the last day of March following issuance.

2. General Information

The application shall contain the following general information:

- A. The name, address, email address, and telephone number of an **individual** applicant;
- B. If the applicant is a partnership, the name, address, email address, and telephone number of all partners;
- C. If the applicant is a limited liability partnership, evidence that the partnership is in good standing with the Secretary of State, and the name, address, email address, and telephone number of all partners;
- D. If the applicant is a corporation, evidence that the corporation is in good standing with the Secretary of State, and the name, address, email address, and telephone number of all officers and directors;
- E. If the applicant is a limited liability company, evidence that the company is in good standing with the Secretary of State, and the name, address, email address, and telephone number of all members and managers;
- F. The number of sites in the community;
- G. Address or physical location of the community (not the mailing address);
- H. The identity and contact information for the community manager;

- I. A description of the community's water system and sewage disposal system;
- J. If the community has a private water system, the serial number identification number and results of the most recent analysis.
- K. Any additional information required by the Bboard.

3. Planning and Design Documents

The application shall include the following planning and design documents:

- A. A copy of the vesting deed, option or other document showing the applicant's right, title or interest in the tract of land proposed for construction and operation of a manufactured housing community;
- B. A copy of the vesting deed, option or other document showing the location and legal description of the tract of land proposed for construction and operation of a manufactured housing community; and
- C. A site plan prepared by a registered engineer and/or professional land surveyor licensed to practice in the State of Maine, with the required seal affixed to the plan. The scale of the plan shall be no less detailed than 1" = 100', provided that the Bboard may in its discretion accept a less detailed plan if the less detailed plan allows the Bboard to determine whether the community meets the requirements of this chapter. The plan shall have a dimension tolerance of no more than 1% (i.e., 1' in 100' or 1° in 100°). The plan shall clearly show the dimensions and area of each site and the total area of the community, road locations and dimensions, sites, well and pump house locations, waste disposal systems, water and sewer lines, streams, culverts, and any additional detail required by the Bboard. The Bboard may waive the filing of a site plan as described in this paragraph in whole or in part, depending on the complexity of the application, if other submissions of the applicant demonstrate that the community meets the requirements of this chapter.

4. Drinking Water Approval

The application shall include one of the following relating to drinking water:

- A. A letter from a public water utility that it will be supplying drinking water to the manufactured housing community. For the purpose of these rules, a manufactured housing community that sub-meters water to residents shall not be deemed a public water utility;
- B. Approval as a community water system by the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~Department of Human Services, Division of Health Engineering~~; or
- C. A statement from the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~Maine Department of Human Services, Division of Health Engineering~~ that the

~~Private Wwater Ssystem~~ meets the requirements of the Manufactured Housing Board contained in ~~Chapter 840 Appendix A to Chapter 850~~ of the ~~Bboard~~'s rules.

5. Wastewater Disposal

The application shall include one of the following relating to wastewater disposal:

- A. ~~An approval~~ letter from a public sewage utility that will be handling the wastewater disposal for the manufactured housing community; or
- B. Approval of a subsurface wastewater disposal design for the manufactured housing community by the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~Department of Human Services, Division of Health Engineering.~~

2. Renewal Licensure

1. Term

All renewal licenses are issued for a period of one year expiring on the last day of March. The renewal application shall contain such information as is required by the ~~Bboard~~.

~~2. Mailing of Renewal Application~~

~~The board shall mail renewal notices 30 days in advance of the expiration date. The licensee shall return the completed application to the board prior to the expiration date along with the required annual fee.~~

~~2.3. Late Renewal~~

A license may be renewed up to 90 days after the date of its expiration upon payment of the required late fee in addition to the applicable renewal fee. If any ~~L~~icensee fails to renew within 90 days of expiration, the ~~former~~ ~~L~~icensee is required to apply for an initial license.

3. Application for Expansion

No community may exceed the ~~Bboard~~ authorized number of sites without receiving ~~express~~-approval from the ~~Bboard~~. An application for expansion shall contain the following information, and must be accompanied by the required fee for the additional sites:

1. The general information described in Section 1(2)(A), (B), (C), (D), ~~(E)~~, (F) and (G) of this chapter;
2. The number of additional sites requested;
3. The information described in Section 1(2)~~(E)~~, (H), (I), ~~and~~ (J), ~~and~~ (K) and Sections 1(3), (4) and (5) of this chapter with respect to the proposed additional sites.

4. Application Denial; Right to Hearing

1. Request for Hearing

A hearing will be held at the written request of any applicant who has been denied a license or whose application for expansion has been denied, provided that a written request is received by the **B**oard within 30 days of the applicant's receipt of written notice of the denial.

2. Denial of License or Application for Expansion

The written denial shall include the reason for the denial and notice of the applicant's right to request a hearing. The notice shall be sent by certified mail, return receipt requested, or other method of delivery of equal or greater reliability.

5. Fees

1. Base License Fees

An application for initial or renewal licensure of a manufactured housing community shall be ~~submitted with~~ ~~accompanied by~~ the required license fee.

2. Additional Inspection Fees

The fee described in Section 5(1) of this chapter is for the license, an initial licensure inspection and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the **B**oard shall charge an additional fee for each additional inspection required. Failure to pay such charges within 90 days of the billing date shall constitute grounds for disciplinary action against said license, unless an extension for a period not to exceed 90 days is granted by the **B**oard.

3. Expansion Fees

An application for expansion of a manufactured housing community shall be ~~submitted with~~ ~~accompanied by~~ the required license fee for the proposed additional sites.

4. Change in Ownership, Control, Management and/or Operation

Notwithstanding the provisions of this section, an applicant for a license to conduct, control, manage or operate a manufactured housing community that is licensed to another person or entity ~~who has previously paid the required license fee for the licensing period in effect at the time the new application is received need not pay an application fee~~ must pay the license fee when making application for change in ownership.

6. Licenses Nontransferable

No license issued pursuant to this chapter may be assigned or transferred. On the effective date of any change of conduct, control, management or operation of a manufactured housing community,

the new operator or other responsible person shall apply for licensure of a manufactured housing community as set forth in Section 1 of this chapter, except that an application that does not propose to expand the community need only contain the information described in Section 1(2) of this chapter. ~~The application shall be accompanied by a license fee as required by Section 5(4) of this chapter.~~

A community conducted, controlled, managed or operated in violation of this section shall be deemed to be unlicensed.

7. Existing Communities

~~1. Generally~~

- ~~1. Except as set forth in Chapter 850, Section 9(2) of the Board's rules, any community licensed prior to September 23, 1983 which is not in compliance with the provisions of this chapter shall be deemed acceptable for licensing if, in the judgment of the Board, the community is operated in a safe and sanitary manner. A repair, replacement or installation may perpetuate a non-conformity, but may not exacerbate it.~~
- ~~2. Change in contact information for the Licensee, community manager, or registered agent, shall be furnished to the Board within thirty (30) days of that change.~~

~~2. Number of Sites~~

~~Communities existing as of September 23, 1983, may be licensed for the number of existing sites within the community available for lease unless plans have been submitted and approved by the Department of Human Services for future development. If future development has been approved, the community may be licensed for the number of sites approved provided that:~~

- ~~A. The proposed developments do not include hazards to public health or safety; and~~
- ~~B. Sites included in the proposed developments have been constructed and made available for lease no later than one year following the effective date of this chapter.~~

STATUTORY AUTHORITY: 10 MRS ~~A~~ § 9085

EFFECTIVE DATE:
April 1, 1984

AMENDED:
September 1, 1984
March 2, 1985
May 1, 1986
March 1, 1987

August 19, 1988
March 14, 1990
May 18, 1990
June 3, 1992

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 11, 1997

AMENDED:

March 5, 1997 - Sec. 4

NON-SUBSTANTIVE CORRECTIONS: August 6, 1997 - "drinking" changed to potable in I(8), and "May 1st" changed to "the last day of March" in V(D), both in accordance with March 5, 1997 amendment; spelling and punctuation.

REPEALED AND REPLACED:

November 8, 2003 - filing 2003-401

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 840: RULES RELATING TO DRINKING WATER SYSTEMS OF MANUFACTURED HOUSING COMMUNITIES

Summary: This chapter outlines the jurisdiction of the Board and the Division of Environmental Health within the Maine Center for Disease Control and Prevention, Department of Health and Human Services, in regulating the drinking water systems of manufactured housing communities. This chapter also sets forth the safe drinking water requirements for manufactured housing communities with Private Water Systems, which are regulated by the Board. These requirements pertain to Private Water System approval, operation, and modification; annual water testing, reporting, and notice to community residents; and enforcement remedies when a community violates these rules. The rules in this chapter are established to protect public health from unsafe Private Water Systems and to require that a community notify the population served of annual water test results.

1. Definitions

1. **APA:** “APA” means the Maine Administrative Procedure Act.
2. **Active Operation:** A water system in Active Operation is a system that is currently distributing water to consumers.
3. **Board:** “Board” means the Manufactured Housing Board as described in 10 MRS § 9003.
4. **Boil Water Order:** “Boil Water Order” means an order issued by the Board to protect the health of persons consuming water from a Private Water System that may be contaminated by pathogenic microorganisms.
5. **Community Water System:** “Community Water System” means any water source and system of pipes or other constructed conveyances, structures and facilities through which water is obtained for or sold, furnished or distributed to community residents for human consumption, that is regulated by the Division of Environmental Health within the Maine Center for Disease Control and Prevention, Department of Health and Human Services (“Division”), pursuant to the Safe Drinking Water Act, Title 22 MRS § 2611 *et seq.* and its implementing rules.
6. **Conditional Operation:** “Conditional Operation” means the licensed operation of an existing non-compliant Private Water System, operating subject to conditions as set forth by order of the Board, as described in Section 5.
7. **Contaminant:** Any physical, chemical, biological, or radiological substance or matter in water.
8. **Deficiency:** Any defect in a system’s design, operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the Board or

Division determines to cause, or has the potential to cause, a violation of the Board's rules and an unacceptable risk to health, or that could affect the reliable delivery of safe drinking water.

9. **Designated Operator:** "Designated Operator" is the person(s) designated by the Licensee, owner, operator, or manager to make decisions regarding the daily operational activities of a Private Water System, water treatment facility, and/or distribution system that may directly impact the quality and/or quantity of drinking water. The Designated Operator shall also be responsible for taking water samples, conducting tests, and furnishing test results to the Board, and for notification to all consumers of Board orders and water quality reports and notices. The Designated Operator shall be the point-of-contact for the Board.
10. **Division:** "Division" means the Division of Environmental Health, or its successor Division, within the Maine Center for Disease Control and Prevention, Department of Health and Human Services.
11. **Emergency Order:** In order to protect the public health, the Board may, without a prior hearing, issue an Emergency Order requiring the operator or owner of the water system to immediately take such action as is required under the safe drinking water requirements.
12. **Engineering Study:** An engineering study consists of a technical evaluation by a Maine licensed professional engineer of a water system's source, treatment, pumping, distribution and/or storage, to identify deficiencies that limit or prohibit a water system's ability to reliably provide water of acceptable quality and/or quantity. The engineering study must also recommend a course of action to implement improvements as needed.
13. **Existing Water System:** "Existing Water System" is a Private Water System in Active Operation that supplies water to consumers prior to the effective date of these rules, and shall be subject to these rules.
14. **Expanded, Upgraded, or Re-engineered Water System:** Any modification that may affect the quality or quantity of water produced, including but not limited to compliance with these rules, correction of violations, expansion, upgrading, or re-engineering of an existing Private Water Systems, including the distribution system.
15. **Hearing:** An adjudicatory hearing conducted by the Board pursuant to the Administrative Procedure Act.
16. **Licensee:** "Licensee" means a manufactured housing community regulated by the Board that holds a current license issued by the Board, or a manufactured housing community, together with its owner, that formerly held a license issued by the Board that has expired or been suspended.
17. **Maximum Contaminant Level (MCL):** The maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a Private Water System.
18. **New Private Water System:** Any newly constructed well, water source, intake, or other structure or device intended as a supply of water for a Private Water System. All new

sources of water intended for use by a Private Water System shall be subject to these rules pertaining to new wells and water sources.

19. **Non-Compliant:** A Private Water System that is in violation of the provisions of this chapter.
20. **Order of Correction:** A written complaint and notice of violation of the Board's rules, issued by the Board.
21. **Person:** An individual, association, partnership, company, public or private corporation, political subdivision or agency of the State, department, agency or instrumentality of the United States, or any other entity.
22. **Potable Water:** Water that is satisfactory for drinking, culinary, and domestic purposes and meets the requirements and standards contained in these rules.
23. **Private Water System(s):** Any manufactured housing community system of well(s), water source(s), pipes, or other constructed conveyances, structures, and facilities through which water is obtained and furnished or distributed to the public for consumer consumption, if such a system serves less than ten (10) licensed sites or service connections per well, and which is not regulated by the Division.

“Private Water System” includes any collection, treatment, storage, or distribution pipes or other constructed conveyances, intakes, structures or facilities under the control of the supplier of water, and used primarily in connection with such a system, and any collection or pretreatment storage facilities not under that control that are used primarily in connection with such a system. This includes multiple independent water wells or sources comprising a Private Water System. Private Water System does not include the portion of service pipe or devices owned and maintained by a homeowner of a private water system.

24. **Safe Yield:** The methods and standards described in the Manual for Water Well Construction Practices, 2nd Edition, 1998 (published by the National Ground Water Association), shall be used for the proper development and determination of safe yield for all proposed wells. All water quality samples shall be collected after proper well development and disinfection, and at the conclusion of continuous pumping of the well for a sufficient period of time so that a minimum of three well bore volumes have been removed.
25. **Sample; Water Sample:** An amount of untreated (raw) source water or finished (treated) drinking water that is examined for the presence of a contaminant.
26. **Violation:** Noncompliance with the Board's drinking water rules, regardless of whether that noncompliance is intentional, negligent, or otherwise.

2. Water Systems Distinguished; Jurisdiction

1. Community Water System

A community with a Community Water System, as defined in Section 1, must meet the drinking water standards of the Safe Drinking Water Act, 22 MRS § 2611 *et seq.* and its implementing rules set forth and administered by the Division of Environmental Health within the Maine Center for Disease Control and Prevention, Department of Health and Human Services (“Division”). The Board does not regulate Community Water Systems.

2. Private Water System

A community with a Private Water System, as defined in Section 1, must meet the drinking water standards set forth and administered by the Board in this Chapter.

In order to install and operate a new Private Water System, or to expand, upgrade, or re-engineer an existing Private Water System, a community must obtain system approval from the Board, with the Division acting as a technical advisor, prior to installation, modification, operation, and use, as set forth in Section 4 of this chapter.

3. Private Water System Requirements, Generally

1. Potable Water

Annual Water Testing. A community must comply with the annual water testing requirements contained in this chapter for each well or water source. The Board shall audit communities for compliance with this obligation periodically. The Board may also specify conditions relating to testing and the frequency of testing when warranted by circumstances particular to a specific community water system.

NOTE: A community in which all water is supplied by a public water utility is exempt from routine water testing requirements. However, the Board will require testing at one or more homes in such a community in the event of concerns about the adequacy and potability of the water delivered to the homes.

2. Plumbing

- A. **Generally.** A community must comply at all times with the current adopted edition of the Uniform Plumbing Code.
- B. **Minimum Static Pressure.** The water supply system shall be designed and maintained to provide a minimum static pressure of 20 lbs. per sq. in. (138 kPa) from the service coming out of the ground at each site.
- C. **Pressure Regulator.** Where static water pressure exceeds 80 psi (552kPa), a pressure regulator shall be installed and the pressure reduced to 80 psi-at the location of the water source.

4. Approval of New Private Water Systems or Expansions, Upgrades, or Re-Engineering of Existing Private Water Systems

1. Overview

Although Private Water Systems are regulated by the Board, the Division acts as a technical advisor to the Board on water system matters. Applications for preliminary and final approval of new Private Water Systems or for expansions, upgrades, or re-engineering of existing Private Water Systems, shall be submitted to the Division. After review, the Division provides a recommendation to the Board as to whether or not the Board should approve the system. In order for a system to be completed and operational, the Board shall provide express, written approval.

2. Approval Process

A. Preliminary Approval

No new Private Water System or expansion, upgrade, or re-engineering of an existing Private Water System shall be installed prior to preliminary approval being granted in writing by the Board.

- (1) The Licensee shall submit to the Division a completed preliminary approval form for each proposed new system, or expansion, upgrade, or re-engineering of an existing system, along with required documentation. The preliminary approval form is available from either the Division or the Board.

Required documentation shall include but is not limited to the following: location map; estimated quantity of water required from each well in gallons per minute or gallons per day; and a site plan showing all potential sources of contamination within 300 feet of the well.

- (2) The Division shall review the preliminary approval form to determine the adequacy of the system to provide safe and healthy drinking water to the public, and shall make recommendations on approval to the Board. Preliminary approval of a system must be granted by the Board in writing and may be based upon the recommendation of the Division.
- (3) Except as permitted by subparagraph (4), new wells shall be located at least 300 feet away from potential contamination sources.
- (4) If circumstances exist requiring a proposed well location to be placed closer than 300 feet from a potential contamination source, the Division may recommend a waiver to the requirement on a case-by-case basis, subject to approval by the Board. The Division must be provided with information from an appropriate qualified professional sufficient to make a determination on all waiver requests. In recommending a waiver, the Division may advise the Board to place conditions on the waiver, including but not limited to, increased water quality monitoring.
- (5) The Division may recommend treatment for all new wells if a contaminant is present in sufficient quantity to constitute a public health

concern in the future, even if the contaminant level does not exceed the current maximum contaminant level.

- (6) The Division may recommend that the Board deny a proposed well location after determining that a proposed well location is not safe from threat of contamination even with increased monitoring for those contaminants.
- (7) The Licensee shall determine a safe yield for all proposed wells. The pump test shall terminate when the safe yield of the well can be reasonably estimated. All water quality samples shall be collected at the conclusion of the pump test.
- (8) If the Division determines that additional information is necessary to evaluate the adequacy of a proposed water system to provide a safe and healthy supply of water to the public, or to otherwise protect public, the Division may recommend that the Board require an Engineering Study to be prepared by a Maine licensed professional engineer evaluating the proposed water system.

An Engineering Study may include: a description of the site geology and any sources of contamination in the area; a map of the area showing all wells installed and any potential sources of contamination in the area; drilling logs for each well installed; pump test drawdown data if available; recommendations for wellhead protection area delineations; and all required water quality analysis results. An Engineering Study, if required by the Board, shall be submitted to the Division for review with the request for Final Approval, as outlined in Paragraph B of this subsection.

B. Final Approval

No water may be distributed from a new Private Water System or expansion, upgrade, or re-engineering of an existing Private Water System prior to final approval being granted in writing by the Board.

- (1) The Licensee shall submit to the Division a completed final approval form, along with all water quality analysis results required by this chapter, for review and approval recommendation. The final approval form is available from either the Division or the Board.
- (2) In order for the Board to grant final approval, all required water quality analyses must be completed, and the Board must determine that the well is in compliance with all applicable Board rules. Final approval of a system must be granted by the Board in writing and may be based upon the recommendation of the Division.
- (3) The Board may require additional treatment, testing or other recommendations that the Division deems necessary for the protection of the public health.

- (4) New system approval samples must be “raw” water – prior to any treatment or storage.
- (5) The Board may require ongoing routine monitoring for some organic chemicals and/or radionuclides if contaminants above the maximum contaminant levels exist in the raw water.

C. Conditional Approval; Existing Systems

The Board may grant conditional approval of an expansion, upgrade, or re-engineering of an existing Non-Compliant Private Water System, pending compliance, as outlined in Section 5 of this chapter.

5. Conditional Operation of an Existing Non-Compliant Private Water System

- 1. Order of Conditional Operation.** The Board, upon request or upon its own initiative, may provide additional time for a Licensee to bring an existing Non-Compliant Private Water System into compliance when correcting a violation, deficiency, or water quality issue. The additional time may be granted by an Order of Conditional Operation, provided the following criteria are met:
 - A.** A detailed plan for water system quality compliance, including remedial measures to be taken, a specific schedule for completion, and identification of a Designated Operator, is approved by the Board;
 - B.** The health and safety of the water consumers are not jeopardized;
 - C.** All consumers are provided with potable water at all times, at the expense of the Licensee;
 - D.** When required, adequate notification concerning the water quality of the water system is provided to the consumers during the additional time period; and
 - E.** Any other measures deemed appropriate and necessary by the Board and by the Division.

6. Drinking Water Standards for Existing Private Water Systems in Active Operation that are not Expanding, Upgrading, or Being Re-engineered

- 1.** Testing of each water system shall be performed annually, and the testing requirements rotate on a three-year cycle, as follows:
 - A. Required Testing for the First Year of Each Cycle**

Microorganisms:
 Total Coliform
 Nitrate
 Nitrite

B. Required Testing for the Second Year of Each Cycle**Inorganic Chemicals:**

Arsenic
Barium
Cadmium
Chromium (Total)
Copper
Fluoride
Lead
Nitrates (Measured as Nitrogen)
Nitrites (Measured as Nitrogen)
Selenium
Total Coliform

C. Required Testing for the Third Year of Each Cycle**Microorganisms:**

Total Coliform
Nitrate
Nitrite

Organic Chemicals:

Benzene
Carbon tetrachloride
Chlorobenzene
o-Dibromo-3-chloropropane
o-Dichlorobenzene
p-Dichlorobenzene
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
Dichloromethane
1,2-Dichloropropane
Ethylbenzene
Styrene
Tetrachloroethylene
Toluene
1,2,4-Trichlorobenzene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Vinyl chloride
Xylenes (total)

2. Untreated water samples shall be analyzed by a certified laboratory after a prolonged pump test.

3. The Board may require additional water quality testing if there is reason to believe a contaminant may be or is present in the drinking water that would pose a risk to public health.
4. Water systems with quality exceeding the maximum contaminant levels shall be required to come into compliance through the installation of treatment, blending with another source, or abandonment of the water source. The community may also address the contamination issue through the removal of the source of the contaminant and by demonstrating that the water quality is at or below the maximum contaminant level.

7. Designated Private Water System Operators

Private Water Systems are not required to employ licensed operators. However, all Private Water Systems shall designate a person responsible for the system operation. Such Designated Operators, who may be an owner, manager, employee, independent contractor, *etc.*, are responsible for proper record-keeping and reporting, sample collection, and consumer notice, *etc.*, as stated in these rules, and shall be registered with the Board as the primary point-of-contact. Change of address, phone number, email address, *etc.*, and change in Designated Operator shall be conveyed to the Board within thirty (30) days of that change.

8. Reporting Requirements

1. **Water Test Results.** Licensees shall notify the Board of any unsatisfactory water results within three (3) business days of the Licensee's or Designated Operator's receipt of the test results.
2. **Failure to Comply.** All Private Water Systems must report to the Board any failure to comply with the rules within three (3) business days, including the failure to test, monitor, or report water analyses, or to correct non-compliance with these rules.
3. **Change in Ownership.** All current owners, Licensees, or Designated Operators of Private Water Systems must notify the Board of a change in ownership thirty (30) days prior to the transfer.
4. **Consumer Complaint.** The Board shall notify the Designated Operator and the owner or Licensee of any consumer complaint(s).

9. Record Maintenance

The owner, Designated Operator, or Licensee shall retain on the premises, or at a convenient location near the premises, the records of a private water system, as indicated below. Such records shall be made available to the Board upon request.

1. Water Analyses

- A. Records of water test results and the Annual Water Safety Report made pursuant to these regulations shall be kept for not less than six (6) years. Actual laboratory

reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- (1) Name, address, and contact information of the community and the Designated Operator of the Private Water System;
- (2) The date, place, and time of sampling, and the name of the person who collected each sample. In the event of multiple wells, all wells shall be properly identified in the test results;
- (3) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw process water sample, or other special purpose sample;
- (4) Date and time that the lab received the sample;
- (5) Date and time of analysis;
- (6) Laboratory and person responsible for performing the analysis;
- (7) The analytical technique/method used;
- (8) Minimum Detection Limits (MDL); and
- (9) The results of the analysis with, where appropriate, the units of measurement.

B. Format. Analyses must be submitted to the Board in a format approved by the Board, which may include hard-copy or electronic forms.

C. Records of Compliance. Records of action taken by the operator of the water system to correct violations of drinking water rules shall be kept for a period of not less than six (6) years after the last action was taken with respect to the particular violation involved, and shall be made available to consumers and the Board upon request.

10. Communication and Notice to Consumers

1. Communication with Private Water Systems. In the event that the Board is unable to contact the Designated Operator, Licensee, owner, or manager of a community when Private Water System test results required under an audit or otherwise are not furnished or are unavailable, the Board may at its option:

- A.** Conduct or cause water system testing and post the test results by notice to consumers, or
- B.** Post notice that required test results for the system are not available and that consumers should not assume consumption of the water is safe, and
- C.** Order the operator or owner of the water system to provide continuous potable

water via tanker or other means for drinking, cooking, and sanitation purposes at the Licensee's expense.

11. Engineering Study for Existing Private Water Systems with Violations or Deficiencies

1. The Board is authorized to order the operator or owner of an Existing Water System to conduct an Engineering Study to identify deficiencies or violations of these rules and to make recommendations to the Board.
2. An engineering study consists of a technical evaluation by a Maine licensed professional engineer of a water system's source, treatment, pumping, distribution and/or storage, to identify deficiencies that limit or prohibit a water system's ability to reliably provide water of acceptable quality and/or quantity. The engineering study also recommends a course of action to implement improvements as needed.
3. The Board is authorized to order that any or all of the recommendations in the Engineering Study be carried out. At the written request of the Licensee or Designated Operator, a public hearing shall be held on any Board order within thirty (30) days of receipt of such request.

12. Imminent Hazard to Public Health – Emergency Order

1. **Determination of Imminent Hazard.** An imminent hazard may be considered to exist when there is a violation of the Board's drinking water regulations, and shall be considered to exist when, in the judgment of the Board or the Division, a condition exists in a Private Water System or water supply that will result in a serious risk to public health.
2. **Elimination of Imminent Hazard.** In order to protect the public health, the Board may, without a prior hearing, issue an Emergency Order requiring the Licensee to take-immediate action as may be required under the circumstances. Actions required under the Emergency Order may include, but are not limited to:
 - A. The prohibition of transportation, sale, distribution, or supplying of water;
 - B. The furnishing of potable water at the Licensee's expense;
 - C. The repair, installation, or operation of treatment equipment or methods;
 - D. The notification to all potential users of the system of the nature, extent, and possible health effects of the imminent hazard and precautions to be taken by users; and
 - E. The testing, sampling, or other analytical operations required to determine the nature, extent, duration, or termination of the imminent hazard.

A copy of the Emergency Order shall be served upon a Designated Operator, Licensee, owner, manager, employee or agent for service, in the same manner as service of notice of the commencement of a civil action in Superior Court.

An Emergency Order issued by the Board shall be effective immediately and shall be binding for no more than 90 days unless sooner revoked by the Board at its discretion or at a public hearing, or unless modified or rescinded by a Superior Court. At the written request of the Licensee or Designated Operator, a public hearing shall be held on the Emergency Order within thirty (30) days of receipt of such request.

13. **Imminent Hazard to Public Health – Boil Water Order**

1. **Boil Water Order.** A Boil Water Order shall immediately require the supplier of water to complete consumer notification of the threat to public health.
2. A Boil Water Order may be issued when, in the judgment of the Board, a threat to the public health may exist from the presence of pathogenic microorganisms in a Private Water System. A Boil Water Order may be issued without a prior public hearing and served on the supplier of water, Designated Operator, owner, Licensee, manager, or employee, by personal service, in person, certified mail, or by any other method if such service is accepted. At the written request of a Licensee or Designated Operator, a public hearing must be held on the Boil Water Order within thirty (30) days of the receipt of the request.
3. The Board is authorized to issue Boil Water Orders to any Licensee to comply with the requirements of these regulations, and is further authorized to petition the courts to compel compliance with such orders.
4. Upon receipt of information that there is an imminent endangerment to public health due to the actual or threatened existence of biological contaminants in a Private Water Supply, as indicated by the presence of pathogenic microorganisms or the presence of indicator organisms that indicates the potential presence of pathogenic microorganisms, or when, in the judgment of the Board, such a condition exists or is likely to exist in a Private Water Supply and will result in a serious risk to public health, the Board shall initiate Boil Water Order procedures. Upon determination by the Board that conditions exist that would warrant the issuance of a Boil Water Order, the Designated Operator of the Private Water System will be immediately notified of the determination. Upon notification by the Board of the Boil Water Order, the Designated Operator of the Private Water System must immediately implement the requirements of the Boil Water Order system-wide, or as otherwise directed by the Board, until such time as the Board makes the determination that the Boil Water Order may be lifted.
 - A. **Boil Water Order Procedures:**
 - (1) The Board will provide the Boil Water Order to the Licensee and Designated Operator, owner, manager, or other responsible individual by telephone, electronic/digital notification, facsimile, or in person, or by any other means for immediate distribution to consumers.
 - (2) If the Board is unable to contact an appropriate person, then the Board's staff may distribute notice and the Boil Water Order to consumers within 24 hours of the Board's issuance of a Boil Water Order.

- (3) The Board will follow up by sending the Boil Water Order and other requirements in writing, via first class and certified mail, to the Designated Operator and the Licensee, or other appropriate representative of the water system.
- (4) Nothing in these Boil Water Order procedures absolves the supplier of water of the obligation to provide appropriate public notification to their consumers or from compliance with these rules.
- B.** When a Boil Water Order is issued by the Board, the Designated Operator, the Licensee, or other appropriate representative of the water system shall appropriately notify consumers immediately, no later than twenty-four (24) hours from its issuance.
- C.** Notification of the Boil Water Order may be accomplished by publishing it in a daily newspaper of general circulation in the area the water system serves; by announcing it on local radio; by announcing it on television; by posting it in conspicuous places (i.e. employee and community bulletin boards, bathrooms, entrance doors of an establishment, and other appropriate places); by hand-delivering it to each consumer; or by other methods approved by the Board. The Board may require any combination of the above forms of notification that it deems necessary to sufficiently inform all consumers of water of the Boil Water Order.
- D.** The following language shall be included in all Boil Water Order notices distributed by the system:
- Due to the possibility of unsafe water, Private Water System users are directed to Boil All Water for at least one minute at a rolling boil before drinking, making ice cubes, washing foods, brushing teeth, or engaging in any other activity involving the consumption of water. The Order shall remain in effect until further notice.
- Questions regarding this notice may be directed to the operator of the private water system at:
- (Please provide the following information)
Name of Contact Person
Name of Community
Telephone #
- or to the State of Maine Manufactured Housing Board at (207) 624-8612.
- E.** The Board may lift the Boil Water Order if it determines that the imminent endangerment to public health has been remedied. Prior to lifting the Boil Water Order, the Board will require the water system to take the appropriate number of water samples.
- F.** All samples must test negative for E. Coli and Total Coliform in order for the Board to lift the Boil Water Order.

14. Water Safety Report

The Designated Operator and the Licensee, owner, manager, or other responsible individual of the Private Water System shall annually test, certify, and distribute to all consumers a notification that outlines the water quality with regard to test results of primary contaminants. The form of notice to be used is attached as "Appendix A."

15. Advisory Ruling

1. Advisory Rulings are authorized pursuant to 5 MRS § 9001.
 - A. Upon written request, the Board may render an advisory ruling with respect to the interpretation and/or applicability of a rule or procedure administered by the Board.
 - B. A request for an advisory ruling must be addressed to the Executive Director of the Board.
 - C. The Board may refuse to issue an advisory ruling if it may harm its interests in any litigation to which it is or may become a party.
 - D. An advisory ruling must be in writing and issued no more than 60 days from the date when the Board has received all information necessary for the ruling.
 - E. An oral opinion is not an advisory ruling.
 - F. An advisory ruling by the Board is not binding upon the Board in any manner. In any subsequent enforcement action initiated by the Board, any person's justifiable reliance upon the ruling shall be considered in mitigation of any penalty sought to be addressed.

16. Operation, Maintenance and Disinfection

1. **Covered Reservoirs.** All finished water reservoirs shall be covered, and the vents to the reservoirs shall be adequately screened.
2. **Flushing.** No spring basin, collecting basin, well, infiltration gallery, water main, pump, standpipe, or reservoir shall be placed in service following cleaning or repairs until it has been properly disinfected.
3. **Disinfection.** When any water system fails to meet the proper coliform level, the Board may designate the disinfectant residual or application rate to be maintained by the system. Ground water supplies may be required by the Board to be disinfected. All treatment techniques shall be approved by the Board in consultation with the Division.

17. Administrative Enforcement

1. Pursuant to Title 10 MRS § 8003, *et seq.*, the Board may investigate (including the taking and testing of water samples), prosecute, and impose sanctions or remedies for any noncompliance with the Board laws and rules to provide safe drinking water. The purpose for requiring compliance and sanctions is to enable the Board to establish an effective enforcement program to meet the requirements of these rules. In seeking and imposing compliance and enforcement actions, the Board may pursue any combination of administrative and judicial remedies depending upon the circumstances and gravity of each case, provided that the Board follows the procedures established by these rules.
2. The Board may deny, terminate, or refuse to renew a license for the operation of a Manufactured Housing Community, or impose operating restrictions or other conditions and disciplinary sanctions authorized by Title 10 MRS § 8003(5-A) for any violation(s) of these rules.

18. Hearing

Appeal of Board Decision and Order and Request for Adjudicatory Hearing. Adjudicatory Hearings shall be conducted by the Board in accordance with the Administrative Procedure Act at 5 MRS § 9051, *et seq.* A request for a hearing shall be made in writing and directed to the Executive Director of the Board.

19. Judicial Review

The Board's decision and order after appeal shall be deemed a final agency action and shall be binding on all parties. Any party aggrieved by the decision has a right to judicial review pursuant to Title 5 MRS § 10001.

STATUTORY AUTHORITY: 10 MRS §§ 9005-A, 9084, 9085

EFFECTIVE DATE:

Appendix A TO CHAPTER 840

Water Safety Report

Name of Community: _____

License #: _____

Address: _____

Telephone #: _____ Fax #: _____

Email: _____

Report Covering Calendar Year: Jan. 1 - Dec. 31, _____

Annual Water Test Results:

____ Water is Satisfactory for Consumption

____ Water is **not** satisfactory for consumption**(SEE ATTACHED WATER TEST FOR EXACT DETAILS)****Annual Water Test Results for Existing Private Water Systems in Active Operation should not exceed the following levels:**

A. Microorganisms	MCL		
Total Coliform	Zero (absent)		
Nitrates	10 mg/L		
Nitrites	1 mg/L		
B. Inorganic Chemicals	MCL	Inorganic Chemicals	MCL
Fluoride	2.0 mg/L	Arsenic	0.010 mg/L
Lead	0.015 mg/L	Barium	2.0 mg/L
Nitrates	10 mg/L	Cadmium	0.005 mg/L
Nitrites	1 mg/L	Chromium (Total)	0.1 mg/L
Copper	1.3 mg/L	Selenium	0.05 mg/L
C. Organic Chemicals	MCL	Organic Chemicals	MCL
Benzene	0.006 mg/L	Carbon Tetrachloride	0.005mg/L
Chlorobenzene	0.1 mg/L	o-Dibromo-3-chloropropane	0.01 mg/L
o-Dichlorobenzene	0.6 mg/L	p-Dichlorobenzene	0.6 mg/L
1,2-Dichloroethane	0.005 mg/L	1,1-Dichloroethylene	0.007 mg/L
cis-1,2-Dichloroethylene	0.07 mg/L	trans-1,2-Dichloroethylene	0.1 mg/L
Dichloromethane	0.005 mg/L	1,2-Dichloropropane	0.005 mg/L
Ehtylbenzene	0.7 mg/L	Styrene	0.1 mg/L
Tetrachloroethylene	0.005 mg/L	Toluene	1 mg/L
1,2,4-Trichlorobenzene	0.07 mg/L	1,1,1-Trichloroethane	0.2 mg/L
1,1,2-Trichloroethane	0.005 mg/L	Trichoroethylene	0.005 mg/L
Vinyl chloride	0.002 mg/L	Xylenes (total)	10 mg/L

Certification:

I hereby certify and attest that I have distributed copies of this Water Safety Report to all users of my private water system. I further certify that the information contained in this annual Water Safety Report is correct and consistent with compliance monitoring data. Any intentional deception or misinformation represented in this report may be cited as a violation of the Drinking Water Rules for Private Water Systems.

Signed: _____

Date: _____

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 850: COMMUNITY LICENSING - STANDARDS

Summary: This chapter establishes licensing standards relating to minimum lot size, potable water, plumbing, fuel supplies, electrical connections, life and fire safety, streets, and nuisances.

1. Minimum Lot Size

Unless ~~grandparented~~grandfathered pursuant to Section 10 of this chapter.

1. Public Sewage Utility

Each site that is served by a public sewage utility shall contain a minimum of 5,000 square feet, exclusive of roads.

2. Central Subsurface Sewer System

Each site that is served by a central subsurface sewer system shall contain a minimum of 5,000 square feet, exclusive of roads, provided that the entire community contains at least 20,000 square feet for each site in the community, inclusive of roads. The 20,000 square foot minimum authorized by this subsection may be increased by the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services~~Department of Human Services, Division of Health Engineering~~, if necessitated by soil conditions, pursuant to Chapter 241 of the Rules of the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services~~Department of Human Services, Division of Health Engineering~~ entitled "Maine Subsurface Wastewater Disposal Rules."

3. Individual Sewage Systems

Each site that is not served by a central subsurface sewer system or a public sewage utility shall contain a minimum of 20,000 square feet, inclusive of roads.

2. Potable Water

~~1. Water Supply~~

~~—~~A manufactured housing community must have an adequate supply of potable water at all times. In the event of contamination or system failure, the community shall immediately procure an emergency supply of potable water via tanker or other means for drinking, cooking and sanitation purposes at its own expense.

~~2. Drinking Water Standards~~

~~A manufactured housing community with a community water system must meet the requirements of the Safe Drinking Water Act, 22 M.R.S.A. § 2611 et seq. A manufactured housing community with a private water system must meet the requirements contained in Appendix A to this chapter, and must have its water system approved by the board prior to use.~~

~~3. Periodic Water Testing~~

- ~~A. A community in which all water is supplied by a public water utility is exempt from routine water testing requirements. The board reserves the right to require testing at one or more homes in such a community to address concerns about the adequacy and potability of the water delivered to such homes.~~
- ~~B. A community with a community water system must comply with the periodic testing requirements of the Safe Drinking Water Act, 22 M.R.S.A. § 2611.~~
- ~~C. A community with a private water system must comply with the periodic testing requirements contained in Section II(3) and (4) of Appendix A to this chapter. It is the board's intent to audit communities for compliance with this obligation not less frequently than once every three years. However, the board may also prescribe special conditions relating to testing and the frequency of testing when warranted by circumstances particular to a given community.~~

3. Plumbing

~~1. Generally~~

~~— A community shall comply at all times with Chapter 241 of the Rules of the Division of Environmental Health within the Center of Disease Control and Prevention, Department of Health and Human Services ~~Department of Human Services, Division of Health Engineering~~ entitled "Maine Subsurface Wastewater Disposal Rules."~~

~~2. Minimum Flow~~

~~The water supply system shall be capable of delivering a minimum sustained flow of 5 gpm (0.31 l/s) from the service coming out of the ground at each site for a period of five minutes.~~

~~3. Minimum Static Pressure~~

~~The Water supply system shall be designed and maintained to provide a minimum static pressure of 20 lbs. per sq. in. (138 kPa) from the service coming out to the ground at each site.~~

~~4. Pressure Regulator~~

~~Where static water pressure exceeds 80 psi (552kPa), a pressure regulator shall be installed and the pressure reduced to 80 psi.~~

4. Fuel Supplies

1. Outside Oil Supply Tanks

The provisions of this subsection, "Outside Oil Supply Tanks," apply to new installations and replacement installations made on or after the effective date of this chapter.

- A. Oil supply tanks shall not be installed on wood or other combustible surfaces or supports.
- B. Outside oil supply tanks of 350 gallons or less shall be supported in accordance with Section 4(1)(C) or (D) of this chapter. Tanks larger than 350 gallons shall comply with all rules of the ~~Oil and Solid~~ Maine Fuel Board.
- C. A horizontal oil supply tank shall be mounted on steel pipe legs, not exceeding 12 inches in height with floor flanges at the base of the steel legs, supported by four 4 x 8 x 16 inch solid cement blocks, or a one piece minimum 3 inches thick reinforced concrete pad not smaller than the tank dimensions. The four blocks or the concrete pad shall rest on a firm subgrade consisting of a bed of compacted, well-draining gravel (6 inch minimum), crushed stone (6 inch minimum), or some other subgrade approved by the Bboard. There must be a minimum of 4 inches of clearance under the tank from any surface. See Figure 12(a) below.
- D. An upright or vertical oil supply tank shall be mounted on steel pipe legs not exceeding 12 inches in height, with floor flanges at the base of the steel leg, and supported by a minimum 3 inches thick reinforced concrete pad. The reinforced concrete pad's width and length shall not be smaller than the tank dimensions. The concrete pad shall be of one piece construction. The concrete pad shall rest on a bed of compacted, well- draining gravel (6 inches minimum), crushed stone (6 inches minimum), or some other subgrade approved by the Bboard. There must be a minimum of 4 inches of clearance under the tank from any surface. See Figure 12(b) below.
- E. An outside oil supply tank servicing a manufactured home as defined in Chapter 820, Section 1~~(6)~~(7)(B) of the Bboard 's rules may only be installed by a licensee of the Maine Fuel Board, including a manufactured housing mechanic or dealer who holds a limited license from the ~~Oil and Solid~~ Maine Fuel Board to install outside oil tanks at manufactured housing pursuant to 10 M.R.S.~~A.~~ § 2401.

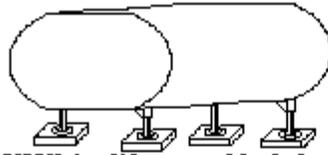


Figure 12 (a) Tank footing & support for horizontal tanks of 350 gallons or less outside of buildings.

1. Footing, one (1) 4X8X16 solid cement block for each leg. Blocks to rest on 6" of compacted, well draining gravel or 6" of crushed stone, or some other subgrade approved by the Board.
2. Supports, maximum 12 inch legs with floor flanges.
3. Leg brackets shall not be used for supports on blocks.
4. Bottom of tank shall have a minimum of four (4) inch clearance from any surface.

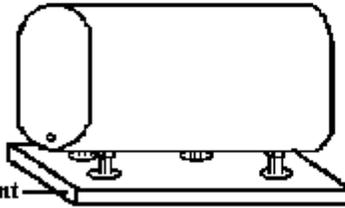


Figure 12 (b) Tank footing & support for upright or vertical tanks of 350 gallons or less outside of buildings.

3" reinforced cement slab.

1. Footing, must be 3" reinforced cement slab (one piece construction) and rest on 6" of compacted, well draining gravel or 6" of crushed stone, or some other subgrade approved by the Board.
2. Supports, maximum 12 inch legs with floor flanges.
3. Leg brackets shall not be used for supports on blocks.
4. Bottom of tanks shall have a minimum of four (4) inch clearance from any surface.

- F. Outside tanks and piping must be located such that they are not subject to falling snow or ice. To meet this requirement, the tank and outdoor piping must be installed with a protective cover over the tank valve, oil filter and other piping without structural support or not attached to the side of the building.
- G. All oil supply lines shall be protected from physical damage or corrosion.

2. Supply Connections/Oil Shut-off Valves

- A. A listed lever or wheel, thermally operated oil shut-off valve designed to shut off the oil supply in case of fire, shall be installed at the burner, at the supply tank, and where the oil supply line enters (inside) the building when outside tanks are used.
- B. Whenever the oil supply is taken from the top of an oil tank, whether the oil tank is outside or inside, a thermally operated wheel or lever type shut-off valve shall be installed at the tank and at the burner for control of the fuel. A check valve may be used in the supply line, but no valve or obstruction shall be placed in a return line connected to a burner or pump. A thermally operated valve is required on supply lines from outside tanks at the entrance inside the building and shall be located just inside of the structure wall.

3. Storage of Liquefied Petroleum Gas (Propane) Cylinders

- A. Cylinders having water capacities greater than 2.7 lb (1.2 kg) and connected for use shall stand on a firm and substantially level surface. If necessary, they shall be secured in an upright position. Department of Transportation cylinders in permanent installations must rest on noncombustible materials.
- B. Cylinders not in use shall be removed from the community. The provisions of this paragraph are applicable to cylinders of 1000 lb (454 kg) water capacity, or less, that are not connected for use, whether filled, partially filled, or empty (if they have been in LP-Gas service).

5. Electrical

A community shall comply at all times with NFPA 70, ~~2002~~ 2014 National Electrical Code, as adopted for Maine in Chapter 120 of the rules of the Electricians' Examining Board.

[Note: A list of code provisions commonly violated is attached to this chapter as Appendix ~~B~~A. This is not a substitute for the entire National Electrical Code.]

6. Life and Fire Safety

1. Identification

Each home in a community shall be clearly marked for identification in a uniform manner that is clearly visible from the street serving the site.

2. Fire Prevention

All areas and individual sites within a community shall be maintained so as to be free of debris that could contribute to the spread of fire within the site or community.

3. Firebreaks

No portion of a manufactured home, excluding the hitch, shall be located closer than 10 feet (3 meters) side to side, 8 feet (2.4 meters) end to side, or 6 feet (1.8 meters) end to end horizontally from any other manufactured home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a 1 hour fire-resistance rating or the structures are separated by a 1 hour fire-rated barrier.

7. Streets

1. Construction Standards

Community streets shall meet the Street Construction Standard for Manufactured Housing Communities contained in Appendix ~~E~~B to this chapter.

2. Setback

No manufactured home or any part thereof shall be installed within 5 feet of any traveled way.

3. Access by Emergency Vehicles and Essential Services

All streets within a community shall be constructed and maintained so as to afford adequate access by emergency vehicles and essential services.

4. Drainage

All streets within a community shall be constructed and maintained so as to provide adequate drainage from and adjacent to the roadway.

8. Pads

1. Grade

Grades shall slope away from all pads to adequate outfall. There shall be no standing water on the surface underneath a home.

2. General Construction

Pads shall be constructed so that homes which are installed in accordance with the **B**oard's Manufactured Housing Installation Standards shall maintain plumbing trap seals, experience no buildup of solid waste in drain piping, and maintain egress doors and egress windows.

9. Nuisances

No community shall cause, tolerate or permit any of the following hazards or conditions within the community:

1. Storage of trash in other than designated areas;
2. Storage of trash in inadequate, insecure or overflowing containers;
3. Unsecured vacant homes;
4. Missing or insecure manhole or septic system covers;
5. Trees that have been certified as hazardous by a licensed arborist;
6. An abandoned or discarded chest, closet, piece of furniture, refrigerator, freezer or other article having a compartment capacity of 1 1/2 cubic feet or more;
7. Any activity, structure, object or land use prosecutable as a public nuisance pursuant to 17 M.R.S.A. § 2802 as it relates to manufactured housing communities; and

8. Any dangerous, unsanitary or unhealthful condition that threatens the safety or welfare of the community.

10. ~~Grandparent Clause~~ Grandfathered Exceptions

Any site licensed prior to September 23, 1983 ~~that~~ ~~which~~ is not in compliance with the provisions of this chapter listed below shall be deemed acceptable if, in the judgment of the ~~B~~board, the community is operated in a safe and sanitary manner. A repair, replacement or installation may perpetuate a nonconformity, but may not exacerbate it.

- Section 1 (Minimum Lot Size)
 - Section 6(3) (Life and Fire Safety; Firebreaks)
 - Section 7(1) (Streets; Construction Standards)
 - Section 7(2) (Streets; Setback)
-

STATUTORY AUTHORITY: 10 M.R.S. ~~A~~ §_9085

EFFECTIVE DATE:
April 1, 1984

AMENDED:
August 25, 1984
April 28, 1986
February 23, 1987
August 17, 1988
March 14, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION):
January 11, 1997

AMENDED:
March 5, 1997 - Sec. I (A)
March 5, 1997 - Appendix. A & B

NON-SUBSTANTIVE CORRECTIONS:
August 6, 1997 -
"nitrite" inserted in Appendix A(II)(1), and "Speed" inserted in Appendix B Intersections (B), both in accordance with the March 5, 1997 amendment; minor spelling and punctuation.

REPEALED AND REPLACED:
November 8, 2003 - filing 2003-403

NON-SUBSTANTIVE CORRECTIONS:
March 3, 2004 - renumbering in Appendix C (page 15)

~~Appendix A to Chapter 850~~
~~DRINKING WATER STANDARDS FOR PRIVATE WATER SYSTEMS~~

~~Note: Water systems which do not meet the guidelines for a community water system (10 or more manufactured homes served by 1 well) are not regulated by the Maine Drinking Water Program under the federal Safe Drinking Water Act. These systems are regulated by the board. By agreement, the Department of Human Services, Division of Health Engineering ("the division") acts as a technical advisor to the board in water system matters. The division has no regulatory authority but makes recommendations to the board in matters concerning private water systems. Requests for approval of a new well for a private water system should be made to the division.~~

~~I. New Well Approval Requirements for Private Water Systems (fewer than 10 homes served by 1 well)~~

- ~~1. The licensee shall submit a completed preliminary approval form (the preliminary approval form may be obtained from the division) for each proposed well, along with required documentation. Required documentation shall include but is not limited to the following: location map, estimated quantity of water required from the well in gallons per minute or gallons per day, and a site plan showing all potential sources of contamination within 300 feet of the well. The board may require a preliminary hydrogeologic investigation of a well location if the division determines that additional information is necessary to evaluate the adequacy of the site to provide a safe and healthful supply of water to the public or to otherwise protect the public health.~~
- ~~2. The preliminary approval form shall be reviewed by the division to determine the adequacy of the well location to provide safe and healthy drinking water to the public. No production well shall be installed prior to the board's receipt of preliminary written approval from the division.~~
- ~~3. Except as permitted by subsection 4, new wells shall be located at least 300 feet away from potential contamination sources.~~
- ~~4. If circumstances exist requiring a proposed well location to be placed closer than 300 feet from a potential contamination source, the division may recommend a waiver to the requirement on a case-by-case basis. The division must be provided with information from an appropriate qualified professional sufficient to make a determination on all waiver requests. The division may recommend that conditions be placed on a waiver granted. Such conditions may include increased water quality monitoring.~~
- ~~5. Treatment for all new wells may also be required.~~
- ~~6. The division may recommend that the board deny a proposed well location after determining that a proposed well location is not safe from threats of contamination even with increased monitoring for those contaminants.~~
- ~~7. For all proposed wells a prolonged pump test of not less than 48 hours shall be performed. The test shall terminate when the safe yield of the well can be reasonably estimated. All water quality samples shall be collected at the conclusion of the pump test. The division may recommend that a report be prepared by a certified geologist or professional engineer evaluating the well which may include: a description of the site geology and any sources of contamination in the area; a map of the area showing all wells~~

~~installed and any potential sources of contamination in the area; drilling logs for each well installed; pump test drawdown data if available; recommendations for wellhead protection; and all required water quality analysis results. The report shall be submitted to the division for review with the request for final approval recommendation.~~

- ~~8. Final approval of the proposed well location will be granted by the board based upon the recommendation of the division only after all required water quality analyses have been completed and the board determines that the well is in compliance with all applicable primary drinking water regulations.~~
- ~~9. A final approval form or equivalent must be submitted along with all water quality analysis results to the division for review and approval recommendation.~~
- ~~10. Unless final approval of the proposed well is granted in writing by the board, no water may be served. The board may grant conditional approval on a case by case basis. The board may also require additional treatment, testing or other requirements that the division deems necessary for the protection of the public health.~~

~~H. Water quality analyses to be completed for private water systems~~

- ~~1. Untreated water samples shall be analyzed, prior to source approval, by a certified laboratory after a prolonged pump test. Untreated water samples shall be analyzed for the following parameters:

 - ~~a. Inorganic Parameters (Test E1 at the State Health and Environmental Testing Laboratory); Includes nitrate, nitrite, chloride, hardness, fluoride, copper, iron, manganese, zinc, arsenic, barium, cadmium, chromium, lead, mercury, silver, selenium, sodium, color, turbidity, pH, total coliform.~~
 - ~~b. Volatile Organic Compounds (Test N at State Lab): EPA method 502.2 or 524.2. A screening procedure which can detect the presence of more than 50 different hydrocarbon compounds including gasoline, kerosene, #2 fuel oil and many industrial solvents.~~
 - ~~c. Radon in Water (Test S at State lab): A test which indicates the activity of radon gas, a naturally occurring radioactive gas which occurs at elevated levels in some Maine ground water.~~
 - ~~d. Gross Alpha (Test U at State Lab): A test for radioactivity exclusive of that from radon. Usually indicates the presence of uranium or radium.~~~~

~~Analyses for these parameters shall be performed by a certified laboratory.~~

- ~~2. The division may recommend that the board modify the list of required water quality parameters prior to recommending approval if necessary to ensure that the well can produce safe and potable water for the protection of the public health.~~
- ~~3. Periodic testing for existing systems~~

~~The periodic testing requirements for existing water systems are as follows:~~

~~1. Test A—Coliform Bacteria, Nitrate and Nitrite Nitrogen (annually, except that this test need not be performed in a year that Test E1 is performed)~~

~~2. Test E1 (every 3 years)~~

~~3. Test N (every 3 years)~~

~~In addition, the board may also prescribe special conditions relating to testing and the frequency of testing when warranted by circumstances particular to a given community.~~

~~4. Water Test Reporting~~

~~1. Licensees shall notify the board of any unsatisfactory test results.~~

~~2. Licensees shall retain copies of all water test results for six years. Licensees shall promptly send water test results to the board upon request.~~

Appendix BA to Chapter 850
COMMONLY-VIOLATED PROVISIONS
OF THE NATIONAL ELECTRICAL CODE (±)®

(code provisions not reproduced verbatim)

1. Minimum depth for direct-buried service or feeder cable [Table 300.5]
 - 24" under park roads
 - 18" from the service equipment location to the home served (applies when service equipment is within 30' of the exterior wall of the home)
 - 24" for all other locations
2. Minimum depth for buried PVC conduit enclosing service or feeder conductors [Table 300.5]
 - 24" under park roads
 - 18" from the service equipment location to the home served (applies when service equipment is within 30' of the exterior wall of the home)
 - 18" for all other locations
3. Protection from damage for direct-buried service and feeder cables emerging from grade [Table 300.5 (D)(1)]
 - PVC or other approved electrical raceway shall be installed continuous from the electrical service equipment to 18" below grade. Where metal raceways are used, a bushing shall be installed at the base of the conduit to prevent damage to the conductors.
4. Unused openings in electrical equipment [110.12(A)]
 - Unused cable or conduit openings in meter sockets, disconnects, and other electrical equipment shall be effectively closed to provide protection that is equivalent to the wall of the equipment.
5. Mounting of electrical equipment [110.13(A)]
 - Electrical equipment shall be firmly secured to the surface on which it is mounted. Also, the mounting surface must be solidly supported.
6. Enclosing energized parts [230.62(A)]
 - The interior cover of service disconnects must be installed to avoid accidental contact with live parts.
7. Ground movement [300.5(J)]
 - Where direct-buried conductors or underground raceways are subject to movement from frost action, provision shall be made to protect the conductors and equipment from damage. "S" loops in underground direct burial to conduit transitions, and expansion fittings in vertical conduits are usually effective.
8. Securing the grounding electrode conductor [250.64(B)]
 - The conductor from the service equipment to the ground rod shall be securely fastened to the surface on which it is carried.
9. Methods of grounding to ground rods [250.70]
 - The grounding conductor must be solidly connected to the ground rod by the use of an approved clamp, listed for direct soil burial.

Note: Direct buried conductors and cables emerging from grade and specified in Column 1 and 4 of Table 300.5 shall be protected by enclosures or raceways extending from the minimum cover distance below grade required by 300.5 (A) to a point at least 8' above finish grade.

NATIONAL ELECTRICAL CODE (NEC)® IS A REGISTERED TRADEMARKS OF THE NATIONAL FIRE PROTECTION ASSOCIATION.

Appendix ~~CB~~ to Chapter 850
STREET CONSTRUCTION STANDARDS FOR
MANUFACTURED HOUSING COMMUNITIES

Roadways

- A. Minimum thickness of material after compaction

Street Materials	Minimum Requirements
Aggregate sub-base course (Max sized stone 4")	12 inches ¹
Crush aggregate base course	3 inches

- B. Before clearing has started on a community street, the center and side lines of the new street shall be staked or flagged at fifty foot intervals.
- C. It is recommended that before grading is started, the entire community street shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders and tree stumps shall be removed from the community street.
- D. All organic materials shall be removed to a depth of two feet below the subgrade of the street. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below. The subgrade shall be sloped to provide proper drainage.
- E. Except in a ledge cut, set slope shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loomed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
- F. It is suggested, when possible, that all underground utilities be placed behind the homes, however, those installed under streets shall be installed prior to paving to avoid cuts in the pavement. It is recommended that building sewers and water service connections shall be installed to the edge of the community street prior to paving.
- G. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetation matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 4 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%
No. 40	2-30%
No. 200	1-7%

- H. Aggregate for the sub-base shall contain no particles of rock exceeding four inches in any dimension.

- I. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	5-20%
No. 200	1-5%

- J. Aggregate for the base shall contain no particles of rock exceeding three inches in any dimension.
- K. Pavement joints. Where pavement is used and joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
- L. Pavements. It is recommended, if pavement is used, that minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum. It is recommended that minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.
- M. Roadway Width and Grade. The traveled width of a one-way street shall be a minimum of 12 feet. The traveled width of a two-way street shall be a minimum of 18 feet. If the road is paved, there shall be adequate shoulders to support the pavement. The roadway grade shall not exceed 10%.

Footnote: (1) The 12" aggregate base is in most instances not acceptable for municipal streets. If your long range plan is to have your community streets accepted as public ways, you should check with your municipality. Most municipalities require at least 18" aggregate subbase.

Intersections

- A. Grades of all streets shall conform to the terrain so that cut and fill are minimized.
- B. Where community streets intersect with public roads, recommended sight distances, as measured along the public way which traffic will be entering, and based upon the legal speed limit, are as follows:

Legal Speed Limit (mph)	25	30	35	40	45	50	55
Sight distance (feet)	250	300	350	400	450	500	550

- C. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle at the stop line of the community street, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.
- D. When necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 860: INSPECTIONS AND COMPLAINTS

Summary: This chapter describes the board's inspection program for manufactured housing communities.

1. Inspection of Manufactured Housing Communities

1. Licensing Inspections

Subject to 10 MRSA §.9086, the **B**board may inspect a manufactured housing community for compliance with the **B**board's statute and rules upon initial licensure, upon expansion and upon change of licensee.

2. Inspections For Cause

The **B**board may also inspect a community for compliance with the **B**board's statute and rules in response to a complaint; on the basis of information indicating the possibility of a violation of statute or rule; or in the discretion of the executive director or an inspector of the **B**board, which discretion shall not be abused.

3. Periodic Inspections

The **B**board will routinely and periodically inspect manufactured housing communities for compliance with the **B**board's statute and rules. The baseline frequency of inspection is once every fourth calendar year. However, the **B**board may, in its discretion, inspect a community more or less frequently than once every fourth calendar year based on such factors as violations history and resource availability. The **B**board may attempt to coordinate inspections with other regulatory programs within the Department of Professional and Financial Regulation and other agencies within state government.

2. Reports

The **B**board will mail a copy of all inspection reports that list deficiencies or noncompliances to the **L**icensee at the **L**icensee's last known address.

3. Correction of Deficiencies

All deficiencies discovered during an inspection must be corrected. The **L**icensee shall correct deficiencies that do not involve a serious danger to the health or safety of the public within 90 days of receipt of notice from the **B**board. The **L**icensee shall correct deficiencies that involve a serious danger to the health or safety of the public within 24 hours of receipt of notice from the **B**board.

With the exception of electrical violations, the Licensee shall certify to the Board in writing within the applicable correction period that all deficiencies discovered during an inspection have been corrected and shall certify to the date(s) on which the corrections were made. With respect to electrical violations, the Licensee shall submit to the Board a written certification from a master electrician executed within the applicable correction period certifying that all electrical violations were corrected and certifying to the date(s) on which the corrections were made.

4. Filing of Complaints

The Board will follow the procedures for investigating and processing complaints contained in the Administrative Complaint Procedure established by the Department of Professional and Financial Regulation, Office of Licensing and Registration Professional and Occupational Regulation ("OPOR") for the professional and occupational licensing programs administered by OLROPOR.

STATUTORY AUTHORITY: 10 MRS~~A~~ §§ 9085 and 9086

EFFECTIVE DATE:

April 1, 1984

AMENDED:

August 25, 1984

April 28, 1986

February 23, 1987

August 17, 1988

March 14, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 11, 1997

REPEALED AND REPLACED:

November 8, 2003 - filing 2003-404

Rule-Making Fact Sheet

(5 MRS § 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, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8678, email: robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: **Chapter 820**: Definitions (amended)

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

DATE AND PLACE OF PUBLIC HEARING: June 26, 2015 at 9:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 6, 2015 at 5:00 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To add a new definition to the rule, to update and make minor revisions to the rule, and to allow the use of two-story modular homes in communities.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The text of the current rule, recommendations of the Manufactured Housing Board rules committee, and professional judgment of the board.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The board proposes to amend Chapter 820. The board proposes to add “Licensee” as a definition, to allow the use of two-story modular homes in communities as long as the homes do not exceed 16 feet in width measured at any floor, and to make other minor revisions in order to clarify the rules.

Currently in rule, there is a restriction against placing anything greater than a single story modular home in a manufactured housing community. The proposed rule would change the language to read: “Such homes may be one story in height with a non-habitable attic space or two habitable stories in height not to exceed 16 feet in width measured at any floor.” This rule change would give manufactured housing communities one more option to maintain residents and to possibly increase occupancy in this poor economy. See Section 1(7)(C), as proposed.

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 is 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 MRS § 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, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8678, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: **Chapter 830**: Licensure of Manufactured Housing Communities (amended)

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

DATE AND PLACE OF PUBLIC HEARING: June 26, 2015 at 9:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 6, 2015 at 5:00 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To add email address to the required application material, to remove a grandfather provision, to clarify other language, and to update and make other minor revisions.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The text of the current rule, recommendations of the Manufactured Housing Board rules committee, and professional judgment of the board.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The board proposes to amend Chapter 830 with several clarifying language changes and minor revisions throughout.

More noteworthy changes include the board's proposal to add email address to the required application material to increase avenues of communication with licensees. See Section 1. The board also proposes to remove the provision on mailing renewal notices. See Section 2. The board seeks to update and streamline the renewal process by providing email renewal reminders and offering online license renewal.

In addition, the board proposes to correct and clarify language pertaining to the license fee requirement for a change of ownership. Under the Manufactured Housing Act, a license may not be assigned or transferred. See 10 MRS § 9084. Accordingly, if a manufactured housing community undergoes a change in ownership, an application must be submitted with a license fee. See 10 MRS §§ 9083 and 9021(2-A). The rules currently state, in Section 6, that licenses may not be assigned or transferred, that a new operator or other responsible person shall therefore apply for licensure, and that the application "shall be accompanied by a license fee as required by Section 5(4) of this chapter." However, it is not clear in the current language of Section 5(4) whether or not a license fee is required to be sent with the change of ownership

application. As a result, the board has been unable to enforce this requirement. The board therefore proposes to remove the license fee language from Section 6 and add it to Section 5(4), as shown in the proposed rule.

The board also proposes to add a provision to Section 7 that requires communities to report change in contact information to the board. This requirement is consistent with 10 MRS § 8003-G(2), which requires licensees to notify the office of changes in name, address, and other information.

Finally, the board proposes to remove a grandfather provision pertaining to the number of sites in a community because the provision is no longer applicable. See Section 7(2).

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 is 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 MRS § 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, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8678, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: **Chapter 840**: Rules Relating to Drinking Water Systems of Manufactured Housing Communities (new)

STATUTORY AUTHORITY: 10 MRS §§ 9005-A, 9084, 9085; 5 MRS 9001

DATE AND PLACE OF PUBLIC HEARING: June 26, 2015 at 9:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 6, 2015 at 5:00 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: The current rules are not clear about the requirement of annual water testing of private water systems and reporting unsatisfactory test results. Additionally, the current rules do not address notifying community residents of the annual water test results. Therefore, the board is proposing this new rule chapter to clarify the requirements for private water systems in order to ensure that the necessary water testing is being conducted and reported and that community residents are notified of test results.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The text of current rule Chapter 850, recommendations of the Manufactured Housing Board rules committee, professional judgement of the board, and the Safe Drinking Water Act, 22 M.R.S. § 2611 *et seq.* and its implementing rules, which are administered by the Maine Drinking Water Program of the Division of Environmental Health (“Division”) within the Maine Center for Disease Control and Prevention, Department of Health and Human Services.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The board proposes new rule Chapter 840 in order to clarify and elaborate on the rules regulating drinking water systems. The proposed rule first distinguishes between a Community Water System, which is regulated by the Division, and a Private Water System, which is regulated by the board. The proposed rules then set forth the drinking water requirements for new and existing Private Water Systems regulated by the board, with the Division acting as a technical advisor. Currently, the rules regulating Private Water Systems are located in Appendix A of Chapter 850.

In part, the proposed rules provide the following provisions: approval requirements for new private water systems or expansions/upgrades/re-engineering of existing private water systems; an option for the board to issue an Order of Conditional Operation for an existing non-compliant private water system; water quality standards for existing private water systems in active

operation that are not expanding, upgrading or re-engineering; the requirement of a designated water system operator; reporting requirements; record maintenance requirements; requirements for communication and notice to consumers; an option for the board to order an engineering study for existing private waters systems with violations or deficiencies; the ability of the board to issue an emergency order or boil water order in situations where the board finds an imminent hazard to public health; and the requirement of a water safety report.

The proposed rule sets forth the same water testing requirements that are currently required by the board. The water safety report, however, is a new requirement. The proposed rule provides a form for this report in Appendix A to Chapter 840. The board proposes that this report be provided to the community residents along with the annual test results.

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 is 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 MRS § 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, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8678, email robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: **Chapter 850:** Community Licensing - Standards (amended)

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

DATE AND PLACE OF PUBLIC HEARING: June 26, 2015 at 9:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 6, 2015 at 5:00 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To move the drinking water standards from this chapter to proposed new Chapter 840, to correct and clarify other language, and to update the reference to the National Electrical Code.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The text of the current rule, recommendations of the Manufactured Housing Board rules committee, professional judgment of the board, and Chapter 120 of the rules of the Electricians' Examining Board.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The board proposes to amend Chapter 850 by making several clarifying language changes and minor revisions throughout. The board also proposes to move the drinking water standards currently found in Chapter 850 to proposed new Chapter 840, which includes Appendix A on private water systems and provisions on potable water and plumbing.

Under the plumbing provision, the board proposes to keep subsection 1, as it is a general provision on plumbing that is appropriate for this chapter. Subsection 2 on minimum water flow, however, has been removed entirely from this chapter and is not included in proposed Chapter 840. The Department of Health and Human Services advised the board that the analysis of a water supply system is strictly pressure-based and should not take minimum flow into account.

Additionally, the electrical provision currently states that a community shall comply with NFPA 70, 2002 National Electrical Code, as adopted for Maine in Chapter 120 of the rules of the Electricians' Examining Board. See Section 5. The Electricians' Examining Board has adopted the 2014 edition of the code, and therefore, the board proposes updating the edition of the referenced code to 2014. The Note in the electrical provision also refers to an Appendix for a list of electrical code provisions commonly violated. The board consulted with one of the State's

electrical inspectors on the list provided in the Appendix, and the inspector recommended the addition of a Note at the end of the Appendix. The board agrees with and proposes this recommended addition.

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 is 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 other than Chapter 120 of the rules of the Electricians' Examining Board mentioned above; (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 MRS § 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, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8678, email: robert.v.leclair@maine.gov

CHAPTER NUMBER AND RULE TITLE: **Chapter 860: Inspections and Complaints** (amended)

STATUTORY AUTHORITY: 10 MRS §§ 9005-A, 9085, 9086

DATE AND PLACE OF PUBLIC HEARING: June 26, 2015 at 9:30 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: July 6, 2015 at 5:00 p.m.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To make minor revisions and to update the rule.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): The text of the current rule and professional judgment of the board.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The board proposes to amend Chapter 860. The proposed amendments consist of minor revisions (i.e., capitalizing Board and Licensee because these are defined terms) and updating the title of the agency to Office of Professional and Occupational Regulation.

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 is 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: