

Chapter 110: STATE CERTIFICATION OF MODULAR HOMES

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**SUMMARY:** These rules are drafted under the authority pursuant to 10 M.R.S. §9041 and implement 10 M.R.S. §§ 9042-9048 of the *Maine Manufactured Housing Act*. This chapter sets forth construction standards, compliance assurance, inspection requirements, grounds for violation, and licensee appeal procedures relating to State-certified modular homes.

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**SUBCHAPTER 1  
PROVISIONS OF GENERAL APPLICABILITY**

**1. Purpose**

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

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

**2. Applicability**

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

**3. Compliance**

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

- Inspection Agency Approval Method (Subchapter 3)
- Local Option Approval Method (Subchapter 4, Section 20)
- Special Program of Approval (Subchapter 4, Section 21)

**4. Preemption**

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

## **5. Applicability of Local Law**

### **1. Local Prerogatives**

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

### **2. Special Environmental Conditions**

In areas of the State where special environmental conditions exist which require special or different building standards pursuant to Subchapter 2, Section 10(10), local government may prescribe such standards for those parts of the site development, foundation, and other work for which responsibility is vested in local government pursuant to Subchapter 1, Section 5(1) or the *Maine Uniform Building and Energy Code*, provided that such standards are not more stringent than those imposed on other types of buildings in the area.

## **6. Journeyman Quality Workmanship Required**

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

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

Except as provided for relocated homes under Subchapter 3, Section 17(5), revisions to the codes and standards incorporated by reference into Subchapter 2 of this chapter may not apply retroactively to approved building systems. The Board shall notify all manufacturers with approved building systems, local governmental jurisdictions, and other concerned persons of all amendments to the codes and standards included in Subchapter 2, and each manufacturer will have one hundred eighty (180) calendar days or such additional time as the Board deems reasonable, following the sending of such notification to submit verification of compliance in the form of copies of the approved building systems to the Board and comply with such modifications of its building systems as may be required to comply with such changes. All State-certified modular homes manufactured (i) prior to the effective date of such changes, or (ii) during the one hundred eighty (180) calendar day period following the sending of notice to the manufacturer, or (iii) in the case of any manufacturer who submits their modifications to the Board as required but receives no affirmative or negative response from the Board with respect thereto, following such one hundred eighty (180) calendar day period, may be certified if they conform to the existing approved building system. Where imminent danger to life safety is involved, the Board may require that immediate effect be given to amendments to the codes, standards, specifications, and requirements adopted herein. For purposes of this section, a State-certified modular home is deemed to be manufactured at such date as the manufacturer’s label is attached to it in accordance with the approved compliance assurance program.

## **8. Change of Address; Other Reportable Information**

1. A manufacturer shall notify the Board in writing within ten (10) days after any of the following occurrences and prior to the commencement of production at a new or relocated manufacturing facility:

- A. Change of name;
  - B. Change of the main address of the company;
  - C. Change of location of any manufacturing facility;
  - D. Establishment of a new manufacturing facility; or
  - E. Change of authorized inspection agency.
2. An inspection agency shall notify the Board in writing within ten (10) days after any of the following occurrences:
- A. Change of name;
  - B. Change of the main address of the company;
  - C. Change of location of any testing facility;
  - D. Establishment of a new testing facility;
  - E. A change of 25% or more of the ownership or controlling interest of the agency within a twelve (12) month period; or
  - F. Changes in principal officers and key supervisory and responsible personnel of the firm.

## 9. Definitions

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

1. **Act.** “Act” means the *Manufactured Housing Act*, 10 M.R.S., Chapter 951.
2. **AFUE.** “AFUE” means Annual Fuel Utilization Efficiency.
3. **Air barrier.** “Air barrier” means the material in a building system designed and constructed to control airflow between a conditioned space and an unconditioned space. The “air barrier” is the primary air enclosure boundary that separates indoor (conditioned) air and outdoor (unconditioned) air.
4. **Authority having jurisdiction.** For purposes of this chapter, the Board is the “authority having jurisdiction” over the envelope of a State-certified modular home.
5. **Board.** “Board” means the Manufactured Housing Board.
6. **BTU.** “BTU” means British Thermal Unit which is the amount of thermal energy required to raise one pound of water one degree Fahrenheit.
7. **Building system.** “Building system” means the method of constructing a type of manufactured home described by plans, specifications, and other documentation which together establish a means to meet the building codes, standards, and other requirements of these rules for that type of manufactured housing, which may include structural,

electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

8. **Building thermal envelope.** “Building thermal envelope” means the basement walls, exterior walls, floor, roof and any other building elements that enclose conditioned spaces.
9. **Certification.** “Certification” means the process by which this Board and local building inspection agencies are assured that elements of closed construction, are not practical to inspect at the building site, have been properly reviewed and inspected and conform to applicable building codes.
10. **Closed construction.** “Closed construction” means any building, building component, assembly, or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction.
11. **Compliance assurance program.** “Compliance assurance program” means the policies and procedures which assure that manufactured housing, including their manufacture, storage, delivery, assembly, handling, and installation, conform with the Act and these rules.
12. **Conditioned space.** “Conditioned space” means an area, room or space that is enclosed within the building thermal envelope and that is directly heated or cooled or that is indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate thru openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings or where they contain uninsulated ducts, piping or other sources of heating or cooling.
13. **Draft stop.** “Draft stop” means a material, device or construction installed to restrict the movement of air within open spaces of concealed areas of building components such as crawl spaces, floor-ceiling assemblies, roof-ceiling assemblies and attics.
14. **Dwelling unit.** “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
15. **Exterior door.** “Exterior door” means any swinging or sliding door of any size that functions as part of the building thermal envelope.
16. **Fenestration.** “Fenestration” means penetrations through the building envelope, including but not limited to skylights, roof windows, vents, ducts, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination of opaque/glazed doors.
17. **Heat loss.** “Heat loss” means the amount of heat transferred per unit of time from the conditioned space to the outside or to an unconditioned space by means of conduction and infiltration.
18. **Independence of judgment.** “Independence of judgment” means not being affiliated with, or influenced by, or controlled by building manufacturers or by producers, suppliers, or vendors of products or equipment used in manufactured housing, in any

manner which is likely to affect the capacity to render reports and findings objectively and without bias.

19. **Infiltration.** “Infiltration” means the uncontrolled movement of air into and out of the conditioned space through cracks and interstices in the building envelope.
20. **Installation.** “Installation” means the placing of manufactured housing on a foundation or supports at a building site; and the assembly and fastening of structural components of manufactured housing, including the completed roof system, as specified by the manufacturer’s installation instructions and in accordance with the rules of the Board.
21. **Journeyman quality workmanship.** “Journeyman quality workmanship” means workmanship that equates to the second or intermediate level of development of proficiency in a particular trade or skill, and reflects the work of a skilled worker but without the perfection of a master craftsman.
22. **Label.** “Label” means an approved insignia or seal evidencing certification in accordance with the Act and these rules.
23. **Local enforcement agency.** “Local enforcement agency” means the agency or agencies of local government with authority to inspect buildings and enforce the *Maine Uniform Building and Energy Code* or other laws, ordinances, and regulations which establish standards and requirements applicable to the construction, installation, alteration, repair, or relocation of buildings.
24. **Mechanical ventilation.** “Mechanical ventilation” means the controlled, purposeful introduction or removal of air to or from a conditioned space.
25. **REScheck.** “REScheck” is computer software published by the U.S. Department of Energy that allows builders to determine a residential structure’s overall compliance with a selected energy conservation code by “trading off” insulation levels in the ceiling, wall, floor, basement wall, slab-edge and crawl space; glazing and door areas; glazing and door U-factors; and certain equipment efficiency.
26. **Roof-Ceiling.** “Roof-Ceiling” means a roof member that serves also as a ceiling member.
27. **R-value.** “R-value,” also known as thermal resistance,” means the inverse of the time-rate of heat flow through a building envelope element from one of its boundary surfaces to the other for a unit temperature difference between the two surfaces, under steady state conditions, per unit area. R-value is calculated according to the formula  $(h \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu})$ . R-value is the reciprocal of the U-factor.
28. **Townhouse.** “Townhouse” means a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides.
29. **U-factor.** “U-factor,” also known as thermal transmittance, means the coefficient of heat transmission (air to air) through a building envelope component or assembly, equal to the time rate of heat flow per unit area and unit temperature difference between the warm side and the cold side air films. u-factor is calculated according to the formula  $(\text{Btu}/\text{h} \cdot \text{ft}^2 \cdot ^\circ\text{F})$ . U-factor is the reciprocal of the R-value.

30. **Yard.** “Yard” means an open space, other than a court, unobstructed from the ground to the sky on the lot which a building is situated.

## SUBCHAPTER 2 CODES AND STANDARDS

### 10. **Compliance with Codes and Standards; Incorporation by Reference**

State-certified modular homes manufactured in accordance with the inspection agency approval method set forth in Subchapter 3 must comply with the following codes and standards, which the Board hereby incorporates into this chapter by reference. Copies of these codes and standards are on file with the Maine Secretary of State and may also be obtained from their publishers as set forth in Subchapter 2, Section 10(12).

#### 1. **2015 International Residential Code**

*2015 International Residential Code for One- and Two-Family Dwellings (IRC)* (International Code Council, Inc., August 2015), is adopted with the following exceptions:

- A. Section R302.13: Fire Protection of Floors; Section R313: Automatic Fire Sprinkler Systems; Chapter 10: Chimneys and Fireplaces; Chapter 11: Energy Efficiency; Chapter 12: Mechanical Administration; Chapter 13: General Mechanical System Requirements; Chapter 14: Heating & Cooling Equipment & Appliances; Chapter 16: Duct Systems; Chapter 17: Combustion Air; Chapter 18: Chimneys & Vents; Chapter 20: Boilers & Water Heaters; Chapter 21: Hydronic Piping; Chapter 22: Special Piping & Storage Systems; Chapter 24: Fuel Gas; Chapter 25: Plumbing Administration; Chapter 26: General Plumbing Requirements; Chapter 27: Plumbing Fixtures; Chapter 28: Water Heaters; Chapter 29: Water Supply & Distribution; Chapter 30: Sanitary Drainage; Chapter 31: Vents; Chapter 32: Traps; Chapter 33: Storm Drainage; Chapter 34: General Requirements; Chapter 35: Electrical Definitions; Chapter 36: Services; Chapter 37: Branch Circuit and Feeder Requirements; Chapter 38: Wiring Methods; Chapter 39: Power and Lighting Distribution; Chapter 40: Devices and Luminaires; Chapter 41: Appliance Installation; Chapter 42: Swimming Pools; Chapter 43: Class 2 Remote-Control, Signaling and Power-Limited Circuits; Appendix A: Sizing and Capacities of Gas Piping; Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents; Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems; Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix E: Manufactured Housing Used as Dwellings; and Appendix F: Radon Control Methods.
- B. **Ground Snow Load**

The ground snow load (Pg) statewide shall be designated as 50 pounds per square foot. Alternatively, a manufacturer may at its option build in accordance with Section R301.2.3, which provides:

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

C. **Roof Load**

The roof (live) load (P) need not exceed 40 pounds per square foot on any portion of the roof.

D. **Wind Design Criteria**

- (1) The ultimate design wind speed,  $V_{ult}$ , statewide shall be 115 miles per hour.
- (2) Wind load effective velocity pressures,  $P_e$ , need not exceed 30 pounds per square foot.

E. **Section R302.2 shall read as follows:**

**Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

**Exception:** A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with 2017 NFPA 70. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

F. **Sections R311.7.4 5.1, R311.7.4 5.2, R311.7.5.2.1 and R311.7.4 5.3 shall read as follows:**

**R311.7.4 5.1 Risers.** The riser height shall be not more than 8¼ inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the openings located more than 30 inches (762 mm), as measured vertically, to the floor or grade below do not permit the passage of a 4-inch-diameter (102 mm) sphere.

**Exceptions:**

1. The opening between adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

**R311.7.4 5.2 Treads.** The tread depth shall be not less than 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**R311.7.5.2.1 Winder treads.** Winder treads shall have a tread depth of not less than 9 inches measured at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a tread depth of not less than 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**Exception:** The tread depth at spiral stairways shall be in accordance with Section R311.7.10.1.

**R311.7.4 5.3 Nosings.** The radius of curvature at the nosing shall be not greater than 9/16 inch (14 mm). A nosing projection not less than 3/4 inch (19 mm) and not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers, provided that a 1 inch nosing shall be provided on all treads with tread width less than 9 inches. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosings shall not exceed 1/2 inch (12.7 mm).

**Exceptions:** A nosing projection is not required where the tread depth is not less than 11 inches (279 mm).

The above revisions to Sections R311.7.4 5.1, R311.7.4 5.2, R311.7.5.2.1 and R311.7.4 5.3, shall also apply to basement stairs when the stairs are a component of a factory designed building system which specifies the necessary basement height, and the design has been certified by the Board-approved inspection agency.

**G. Section R312.1 shall read as follows:**

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



shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

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

## H. **Energy Standard for State-Certified Modular Homes**

### (1) **Purpose and Scope**

The purpose of this standard is to provide a reasonable energy code, based on nationally recognized codes, that will apply to all State-certified modular homes that are installed in Maine. This standard sets forth design and construction requirements relating to energy efficiency in State-certified modular homes.

### (2) **Compliance; Limited Waiver of Compliance with Energy Specifications Table**

State-certified modular homes must comply with the provisions of this section. The executive director of the Board may waive compliance with the Energy Specifications Table contained in Subchapter 2, Section 10(1)(H)(6)(a) in the limited circumstances described in Subchapter 2, Section 10(1)(H)(6)(k).

### (3) **Materials and Equipment**

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

### (4) **Identification**

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

### (5) **Building Thermal Envelope Insulation**

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

## (6) Energy and Efficiency Standards

### a. Energy Specifications Table

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

**Energy Specifications Table**

Minimum Insulation R-Value <sup>1</sup>				Maximum Fenestration for Exterior Doors U-Factor		Maximum Fenestration for Windows <sup>2</sup> U-Factor	Maximum Fenestration for Skylights U-Factor
Ceilings	Roof/Ceilings	Walls	Floors	Entrance	Specialty		
R-38	R-38	R-21	R-19	.35	.45	.35	.6

<sup>1</sup> 5 ½" of dense pack cellulose meets the minimum insulation R-value requirements for walls.

<sup>2</sup> The term "windows" includes sidelights, octagonal, elliptical, transom, etc.

### b. Perimeter Space

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

### c. Unfinished Second Floors

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

- i. **Stair enclosures** – The ceilings of the stair enclosures must be insulated to R-30. The walls of stair enclosures must be insulated to R-11.
- ii. **Doors** – To prevent heat loss into the unfinished space, doors within stair enclosures must be either an exterior door or insulated by any means, including temporary means, to R-19.
- iii. **Ceilings** – The floor/ceiling assembly between the first and second stories must be insulated to R-30, except that the ceiling area beginning at the outside walls and extending to the knee walls must be insulated to R-38.

### d. Basement Stair Enclosures

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

- i. The ceilings of the basement stair enclosures must be insulated to R-19; and
- ii. The walls of the basement stair enclosures must be insulated to R-11.

e. **R-value Computation**

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

f. **Exterior Walls**

Insulation in exterior walls must be placed so that the entire cavity is insulated, including the space between the back of electrical boxes and the exterior sheathing. Vapor retarders must be installed on the interior side of frame walls.

g. **Air Leakage**

The building thermal envelope must be durably sealed to limit infiltration.

h. **Air Sealing and Insulation Demonstration of Compliance**

The durable sealing of the building thermal envelope required by Subchapter 2, Section 10(1)(H)(6)(g) is subject to verification if deemed necessary by the Board's executive director.

i. **Draft Stop**

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

j. **U-Factor**

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

k. **Waiver of Compliance with the Energy Specifications Table**

- i. A manufacturer may obtain a waiver of compliance with the Energy Specifications Table contained in Subchapter 2, Section 10(1)(H)(6)(a) by demonstrating to the executive director of the Board that the design or construction of a dwelling makes it

infeasible, as set forth below, to apply one or more of the values contained in the Energy Specifications Table. The waiver request must be made prior to acceptance of the plans by the manufacturer's Board approved third-party inspection agency.

- ii. In determining feasibility of compliance with the Energy Specifications Table, the executive director of the Board shall consider as alternatives to a waiver the manufacturer's ability to achieve compliance through alternative construction techniques, use of different materials, or design change. The executive director may also consider other relevant factors, including cost of compliance with the Energy Specifications Table, although cost of compliance alone is not a ground for obtaining a waiver. It is the intent of the Board that waivers be granted sparingly.
- iii. To receive a waiver, a manufacturer must further demonstrate that the U-value of the design for which the waiver was granted meets or exceeds the REScheck target value as calculated (using Climate Zone 6 for the entire State of Maine, including Aroostook County) under the trade-off approach for the 2009 edition of the International Code Council *International Energy Conservation Code* (IECC). This demonstration must be made in the form of a REScheck compliance certificate signed by the Board-licensed manufacturer and the inspection agency, with the supporting inspection checklist attached.
- iv. The executive director's denial of a waiver must be made in writing, must state the basis for the denial, and must inform the manufacturer of the time and manner in which an appeal to the Board may be taken pursuant to Subchapter 6.
- v. REScheck is available at no cost from the U.S. Department of Energy at the following URL: [www.energycodes.gov/rescheck/](http://www.energycodes.gov/rescheck/)

#### **1. Furnaces and Boilers**

Gas-fired or oil-fired furnaces and hot-water boilers rated at less than 300,000 BTU/h must have a AFUE rating in accordance with the United States Department of Energy (DOE) 10 CFR Part 430, Subpart B, Appendix N, entitled "Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers" (February 2016).

#### **I. Ventilation Standard**

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

##### **(1) Whole-house Ventilation**

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

**(2) Kitchen Exhaust**

A cooking appliance must be equipped with a separate ventilating fan/hood, independent of other ventilating systems, with a minimum rating of 100 cubic feet per minute (CFM). This equipment must exhaust at the outside of the home.

**(3) Bathroom Exhaust**

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

**(4) Clothes Dryer**

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

**(5) Combustion Air**

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

**(6) Back Draft**

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

**J. Radon Mitigation Preparation Standard****(1) Purpose and Scope**

The purpose of this standard is to provide a reasonable code for manufacturer-installed vent piping and electrical supply boxes within the envelope of a State-certified modular home to facilitate future, on-site completion of the radon mitigation system should such a system be required either by code or by the consumer. This standard sets forth design and construction requirements relating to preparation for radon mitigation in State-certified modular homes.

**(2) Compliance; Limited Waiver of Compliance**

State-certified modular homes must comply with the provisions of this section. The executive director of the Board may waive compliance with the radon standard contained in Subchapter 2, Section 10(1)(J)(4) in the limited circumstances described in Subchapter 2, Section 10(1)(J)(4)(i).

### (3) Materials and Equipment

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

### (4) Radon Standard

#### a. Entry Routes

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

#### b. Vent Pipe

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

#### c. Vent Pipe Drainage

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

#### d. Vent Pipe Accessibility

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

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

#### e. Vent Pipe Identification

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

f. **Combination Foundations**

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

g. **Power Source**

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

h. **Testing**

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

i. **Waiver of Compliance with the Radon Standard**

- i. A manufacturer may obtain a waiver of compliance with the radon standard contained in this subsection by demonstrating to the executive director of the Board that the design or construction of a dwelling makes it infeasible, as set forth below, to install piping and/or electrical supply boxes within the envelope of a State-certified modular home to facilitate future, on-site completion of the radon mitigation system should such a system be required by code or by the consumer. The waiver request must be made prior to acceptance of the plans by the manufacturer's Board approved third-party inspection agency.
- ii. In determining feasibility of compliance with the radon standard, the executive director shall consider as alternatives to a waiver the manufacturer's ability to achieve compliance through alternative construction techniques, use of different materials, or design change. The executive director may also consider other relevant factors, including cost of compliance, although cost of compliance alone is not a ground for obtaining a waiver. It is the intent of the Board that waivers be granted sparingly.
- iii. The executive director's denial of a waiver must be made in writing, must state the basis for the denial, and must inform the manufacturer of the time and manner in which an appeal to the Board may be taken pursuant to Subchapter 6.

2. **2017 National Electrical Code**

*2017 National Electrical Code*, National Fire Protection Association (NFPA 70) (National Electrical Code Committee, August 2016) is adopted.

3. **2015 Uniform Plumbing Code**

*2015 Uniform Plumbing Code (UPC)* (International Association of Plumbing and Mechanical Officials, January 2015), is adopted with the following exceptions:

- A. Section 104.3.2: Plan Review Fee; Section 104.3.3: Time Limitation of Application; Section 104.4.3: Expiration; Section 104.4.4: Extensions; Section 104.5.1: Work Commencing Before Permit Issuance; Section 104.5.2: Investigation Fees; Section 104.5.3: Fee Refunds; Section 105.4: Connection to Service Utilities; Section 106.3: Penalties; Section 107.0: Board of Appeals; Section 107.1: General; Section 107.2: Limitation of Authority; Section 312.13: Exposed ABS Piping; Section 312.14: Exposed PVC Piping; Section 612.0: Residential Fire Sprinkler Systems;

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

For the purpose of this section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated State-certified modular homes to the extent permitted by Section 104.5.3(5) shall be based on the number of plumbing fixtures that requires a permit to be issued.

Permit fees shall be charged for the following permits:

- (1) When only new water distribution and/or drainage pipes are installed or relocated in a building, but no fixtures installed.
- (2) Testable backflow prevention assembly.
- (3) A hookup fee shall be charged for the connection of a State-certified modular home to a building sewer.
- (4) A hookup fee shall be charged for connection to a public sewer when piping is installed outside the jurisdiction of the sanitary district. A hookup is considered a fixture when calculating the fee.



- (5) Relocated State-certified modular homes shall be considered as new conventional stick built structures. A plumbing fixture fee shall be charged based on this section. This paragraph does not apply to new model homes that have not been lived in upon relocation to the site of the first retail purchaser.

C. **Section 105.3 shall read as follows:**

**Testing of Systems.** Allowing the testing of plastic schedule 40 DWV (drainage, waste and vent) piping systems with 5 psi (pounds per square inch) maximum of air. For safety purposes, when testing with air, a listed 6 psi relief valve is required.

Co-extruded ABS (Acrylonitrile Butadiene Styrene) and PVC (Poly Vinyl Chloride) schedule 40 (cellular core) piping systems with reference standards ASTM F1488 and ASTM F891 shall not be tested with air.

PVC and CPVC (Chlorinated Poly Vinyl Chloride) building supply and water distribution piping systems shall not be tested by air.

D. **Section 315.1 shall read as follows:**

**Unions.** Approved unions shall be permitted to be used in drainage piping when accessibly located in the trap seal or between a fixture and its trap in the vent system, except underground or in wet vents and at any point in the water supply system.

E. **Section 705.5.2 shall read as follows:**

**Solvent Cement Joints.** Solvent cement joints for PVC pipe and fittings shall be clean from dirt and moisture. Pipe shall be cut square and pipe shall be deburred. Where surfaces to be joined are cleaned and free of dirt, moisture, oil and other foreign material, apply primer in accordance with ASTM F656.

F. **Section 807.3 shall read as follows:**

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

G. **Sections 906.1, 906.3 and 906.7 shall read as follows:**

**906.1 Roof Termination.** Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than two (2) feet above the roof nor less than one (1) foot from any vertical surface.

**906.3 Use of Roof.** Vent pipes shall be extended separately or combined, of full required size, not less than two (2) feet above the roof or fire wall.

Flagpoling of vents shall be prohibited except where the roof is used for purposes other than weather protection. Vents within ten (10) feet of any part of the roof that is used for such other purposes shall extend not less than seven (7) feet above such roof and shall be securely stayed.

**906.7 Frost or Snow Closure.** Where frost or snow closure is likely to occur in locations having minimum design temperature below 0°F, vent terminals shall be not less than two (2) inches in diameter, but in no event smaller than the required vent pipe. The change in diameter shall be made inside the building not less than one (1) foot below the roof in an insulated space and terminate not less than two (2) feet above the roof, or as required by the Authority Having Jurisdiction.

**H. The Board incorporates into Subchapter 2, Section 10(3) the allowed use of air admittance valves as follows:**

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

Individual branch and circuit vents may be permitted to terminate with a connection to an air admittance valve. The air admittance valve must vent only fixtures that are on the same floor level and connect to a horizontal branch drain.

The horizontal branch drain must connect to the drainage stack or building drain a maximum of four branch intervals from the top of the stack.

The air admittance valve must be located a minimum of 4 inches above the horizontal branch drain or fixture drain being vented. The air admittance valve must be located within the maximum developed length permitted for the vent. The air admittance valve must be installed a minimum of 6 inches above insulation materials.

Access must be provided to all air admittance valves. The valve must be located within a ventilated space that allows air to enter the valve.

The air admittance valve must be rated in accordance with the standard for the size of the vent to which the valve is connected.

Within each plumbing system, a minimum of one stack vent or vent stack must extend outdoors to the open air.

**4. 2011 Standard for the Installation of Oil-Burning Equipment**

The *2011 Standard for the Installation of Oil-Burning Equipment* (NFPA 31) (Technical Committee on Liquid Fuel Burning Equipment, January 2011), is adopted with the following exceptions:

A. **Section 10.5.1.2 shall read as follows:**

**Operating Controls.** For electrically powered appliances, the requirement of 10.5.1 shall be accomplished by an identified switch in the burner supply circuit, placed outside of and adjacent to the entrance to the room where the appliance is located.

If the entrance to the boiler room is only accessible from the outside, the emergency switch may be placed at the inside not more than one foot beyond the door opening. An emergency switch shall not be placed outside of any building.

B. **The Board incorporates into Subchapter 2, Section 10(4) the following requirements for thermal cut-off switches:**

**Thermal Cut-Off Switches.** A thermal cut-off switch must be wired into the burner circuit to shut off the burner in the event of a fire at the unit. The switch must be placed at the highest point directly above the unit to be fired with the thermal element pointed downwards, and must be placed on the bottom of the floor joist or stringer at the front of the unit. In no case shall it be lower than the point where the flue connector enters the chimney. The switch must be wired to shut off the burner, circulating fan, forced or induced draft fan any remote oil pump that is not an integral part of the burner.

5. **2012 National Fuel Gas Code**

The *2012 National Fuel Gas Code* (NFPA 54) (Technical Committee on National Fuel Gas Code, August 2011), is adopted with the following exceptions:

A. Section 10.23.1: Prohibited Installations, Exception No. 1; Section 10.23.1: Prohibited Installations, Exception No. 2

B. **The Board incorporates into Subchapter 2, Section 10(5) the following requirements for emergency switches:**

**Emergency Switches.** For central heating equipment and water heating appliances where the interruption of an electrical circuit will arrest the combustion process, an identified emergency shutdown switch must be placed outside of and adjacent to the entrance of the room where the appliance is located.

An emergency switch shall not be placed outside any building.

If the entrance to the boiler room is only accessible from the outside, the emergency switch may be placed at the inside not more than one foot beyond the door opening.

**C. The Board incorporates into Subchapter 2, Section 10(5) the following requirements for service switches:**

**Service Switches.** For central heating equipment and water heating appliances where the interruption of an electrical circuit will arrest the combustion process, a service disconnect switch for control of the burner while observing the flame must be placed at the unit, within 3' of the burner.

**D. The Board incorporates into Subchapter 2, Section 10(5) the following requirements for thermal cut-off switches:**

**Thermal Cut-Off Switches.** For central heating equipment and water heating appliances where the interruption of an electrical circuit will arrest the combustion process, a thermal cut-off switch must be wired into the burner circuit to shut off the burner in the event of a fire at the unit. The switch must be placed at the highest point directly above the unit to be fired with the thermal element pointed downwards, and must be placed on the bottom of the floor joist or stringer at the front of the unit. In no case shall it be lower than the point where the flue connector enters the chimney. The switch must be wired to shut off the burner, circulating fan, forced or induced draft fan and any electrically-operated gas valves. A thermal electric switch is required for each electrically-powered gas-fired unit in a multi-appliance installation.

**6. 2013 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances**

*The 2013 Standard for Chimney's, Fireplaces, Vents, and Solid Fuel-Burning Appliances* (NFPA 211) (Technical Committee on Chimneys, Fireplaces, and Venting Systems for Heat-Producing Appliances, December 2012), is adopted.

**7. NFRC 100-2010**

NFRC 100-2010 – Procedure for Determining Fenestration Product U-Factors (National Fenestration Rating Council, Inc., January 2010) is adopted.

**8. 10 CFR Part 430, Subpart B, Appendix N (DOE, 2016)**

United State Department of Energy, (DOE) 10 CFR Part 430, Subpart B, Appendix N, entitled, "Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers" (February 2016) is adopted.

**9. Alternative Construction Methods**

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

sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of any such alternate.

10. **Special Environmental Conditions**

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

11. **License Requirements (Outside Envelope of Home)**

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

12. **Codes & Standards**

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

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

International Code Council (IRC)  
Birmingham Regional Office  
900 Montclair Road Birmingham, AL 35213-1206  
Telephone: (205) 591-1853  
Website: [www.ecodes.biz](http://www.ecodes.biz)

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

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

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

### **SUBCHAPTER 3 INSPECTION AGENCY APPROVAL METHOD**

#### **11. Overview**

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

1. Approving building systems which comply with the codes and standards incorporated by reference into Subchapter 2 and the requirements of Subchapter 3, Section 12;
2. Approving compliance assurance programs which comply with this subchapter; and
3. Inspecting and certifying State-certified modular homes that comply with the approved building system.

#### **12. Approved Building System**

##### **1. Approval Required**

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

##### **2. Submission for Evaluation**

- A. A manufacturer shall submit to an authorized inspection agency for approval a building system that meets the requirements of Subchapter 3, Section 12(7).
- B. If the submission is found to be incomplete or unsuitable for evaluation, the applicant must be notified in writing of the incompleteness or deficiencies thereof within fifteen (15) calendar days of the date the building system was received. Any subsequent submission must be treated as a new application.
- C. If the submission is found to be suitable for evaluation, a complete evaluation must be performed within thirty (30) calendar days of the date the building system was received. Upon completion, the applicant must be notified in writing of the results of the evaluation. If the building system is disapproved, the notice must include the reasons for the disapproval and must inform the manufacturer of the time and manner in which an appeal to the Board may be taken pursuant to Subchapter 6.

##### **3. Tests**

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

#### 4. **Approval**

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

#### 5. **Changes to Approved Building System**

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

#### 6. **Suspension or Revocation of Approval**

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

#### 7. **Building System Requirements**

##### A. **Overview**

The building system consists of plans, specifications, calculations, test results, and other documents which describe in detail the product and manufacturing processes employed to produce State-certified modular homes. For the building system to be evaluated pursuant to Subchapter 3, Section 12(2), the information described in Subchapter 3, Section 12(7)(B-H) must be provided:

##### B. **Form of Submission**

- (1) All documents submitted with the application must be identified to indicate the manufacturer's name.
- (2) Plans must contain a separate schematic drawing for each specific system (e.g., plumbing, electrical, heating).
- (3) Structural connections and connection of systems, equipment, and appliances to be performed on-site must be identified, detailed, and distinguished from work to be performed in the manufacturing facility.
- (4) A set manual must show the method of interconnection between manufactured homes, and the location of connections.

- (5) Design calculations and/or test reports must be submitted when required by the authorized inspection agency.
- (6) Documents must indicate the location of the approved label.
- (7) Drawings must be dated and identified, and must include an index which can be used to determine that the package is complete.
- (8) Documents must provide or show, as appropriate, occupancy or use; area, height, and number of stories; type of construction; and loads (wind, floor, snow, and seismic).

**C. General Construction**

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

**D. Fire Safety**

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



- (6) Drawings of fire suppression systems, standpipes, fire alarms, and detection systems, when required.

**E. Structural Detail**

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

**F. Mechanical Detail**

- (1) Location of all equipment, appliances, and baseboard radiation units. Indicate equipment and appliance listing or labeling agencies.
- (2) Energy conservation calculations;
- (3) Indicate make, model number, and input/output rating of all equipment and appliances, as appropriate;
- (4) Duct and register locations, sizes, and materials, as appropriate;
- (5) Method of providing combustion air, if required; and
- (6) Location of flues, vents, and chimneys; and clearances from air intakes, combustible materials, and other vents and flues.

**G. Plumbing Detail**

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

**H. Electrical Detail**

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

**13. Approved Compliance Assurance Program****1. Approval Required**

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

**2. Submission for Evaluation**

- A. A manufacturer shall submit to an authorized inspection agency for approval a quality assurance program that meets the requirements of Subchapter 3, Section 13(6).
- B. If the submission is found to be incomplete or unsuitable for evaluation, the applicant must be notified in writing of the incompleteness or deficiencies within fifteen (15) calendar days of the date the quality assurance program was received. Any subsequent submission will be treated as a new application.
- C. If the submission is found to be suitable for evaluation, a complete evaluation must be performed within thirty (30) calendar days of the date the quality assurance program was received. Upon completion, the applicant must be notified in writing of the results of the evaluation. If the quality assurance program is disapproved, the notice must include the reasons for the disapproval.

**3. Approval**

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

#### 4. **Changes to Approved Compliance Assurance Program**

An approved compliance assurance program may not vary in any way without prior approval by the authorized inspection agency. All approved amendments must be made a part of the written record of the approval. Such approval must be in writing or be confirmed in writing within ten (10) calendar days of any oral authorization.

#### 5. **Suspension or Revocation of Approval**

- A. The authorized inspection agency may suspend or revoke approval of a compliance assurance program whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of this chapter. Notice of such suspension or revocation must be given to the manufacturer in writing. The notice must include the reasons for the suspension or revocation and must inform the manufacturer of the time and manner in which an appeal to the Board may be taken pursuant to Subchapter 6. The suspension or revocation may not go into effect until thirty (30) days after the manufacturer's receipt of the written notice and is automatically stayed until the Board's disposition of any appeal filed by the manufacturer.
- B. If the authorized inspection agency determines that homes manufactured pursuant to an approved building system do not comply with the Act or this chapter and the manufacturer fails to comply with a corrective order, the authorized inspection agency may suspend or revoke approval of the manufacturer's compliance assurance program. Notice of such suspension or revocation must be given to the manufacturer in writing. The notice must include the reasons for the suspension or revocation and must inform the manufacturer of the time and manner in which an appeal to the Board may be taken pursuant to Subchapter 6. The suspension or revocation may not go into effect until thirty (30) days after the manufacturer's receipt of the written notice and is automatically stayed until the Board's disposition of any appeal filed by the manufacturer.

#### 6. **Compliance Assurance Program Requirements**

##### A. **Overview**

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

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

**B. Compliance Assurance Program Documents**

Compliance assurance program documents consist of an approved building system, as described in Subchapter 3, Section 12; a detailed production quality control program, as described in Subchapter 3, Section 13(6)(C); and detailed on-site installation instructions, as described in Subchapter 3, Section 13(6)(D). The documents must be comprehensively indexed.

**C. Production Quality Control Program**

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

**(1) Organizational Requirements**

- (a) The manufacturer's name, corporate office address, and the address of each manufacturing facility must be indicated in the quality control manual.
- (b) The quality control manual must have a table of contents with the inspection agency's dated stamp of approval on the cover sheet and any revised pages.
- (c) The manufacturer shall demonstrate an organizational structure for implementing and maintaining the compliance assurance program and the program's functional relationship to other elements of the organizational structure of the manufacturer, which structure must provide for independence from the production department.
- (d) The quality control manual must identify the employees in charge of the compliance assurance program and must describe their training and qualifications.
- (e) There shall be a uniform system of monitoring and evaluation to ensure program effectiveness.
- (f) There shall be a serial numbering system for State-certified modular homes.
- (g) There shall be a method of safekeeping, handling, and attaching labels.

**(2) Materials Control**

- (a) There shall be procedures for inspection of materials, supplies, and other items at the point of receipt.
- (b) There shall be a method of protection of materials, supplies, and other items at the point of receipt.
- (c) Provision must be made for the disposal of rejected materials, supplies, and other items.

(3) **Production Control**

- (a) There must be procedures for timely remedial and preventive measures to assure product quality.
- (b) Testing and inspection equipment must be provided, used and maintained to assure compliance with the approved building system.
- (c) Provision must be made for frequency of sampling inspections.
- (d) Employees in charge of the quality assurance program shall have the necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
- (e) There must be a description of the manufacturing process showing the inspection and check points for mandatory inspection characteristics.
- (f) There must be inspection and test procedures, including accept and reject criteria and mandatory inspection characteristics.
- (g) Provision must be made for disposition of rejects.

(4) **Finished Product Control**

- (a) There must be procedures for handling and storing all finished homes at the manufacturing plant or other storage point.
- (b) There must be procedures for packing, packaging, shipping operations and related inspections.

D. **The On-Site Installation Instructions**

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

- (1) Anchoring of manufactured housing to the approved foundation.
- (2) Structural connections between the manufactured housing.
- (3) Connections required to complete the mechanical and/or utility systems; and
- (4) Any special conditions affecting other structural elements.
- (5) The manufacturer shall provide a plan to review all installation procedures, if the home is not installed by factory personnel.

## **14. Inspection by Board or Authorized Inspection Agency**

### **1. Overview**

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

### **2. Inspection of Manufacturing Facilities**

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

### **3. Nature and Frequency of Inspections**

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

### **4. Homes Damaged After Certification**

Prior to the issuance of a certificate of occupancy, the authorized inspection agency shall inspect State-certified modular homes which it determines to have been sufficiently damaged after certification to warrant such inspection and to take such action with regard to such homes as is authorized under Subchapter 3, Section 14(5), or as is otherwise necessary to eliminate dangerous conditions.

### **5. Remediation of Damage**

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

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

### **6. Limitation of Inspection**

No inspection entailing disassembly, damage to, or destruction of State-certified modular homes may be conducted except to implement Subchapter 3, Section 15(8) and Subchapter 3, Section 16(5).

## 15. Certification

### 1. Overview

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

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

### 2. Attachment of Labels

The certification label must be permanently affixed to the State-certified modular home and must be located in a cabinet or closet.

### 3. Contents of Labels

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

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

### 4. Issuance of Labels

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

- A. Labels must be serially numbered;
- B. A manufacturer's approved compliance assurance program, as described in Subchapter 3, Section 13, must include requirements for issuance, possession of, attachment of, and accounting for all labels to assure that labels are attached only to homes manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program;
- C. The Board or the authorized inspection agency may entrust labels to the custody of one or more employees of the manufacturer who shall be charged with

controlling the use of such labels. Such employees may not be given custody of more labels than are necessary to accommodate the manufacturer's anticipated production. If the conditions of custody are violated, the Board or the authorized inspection agency shall immediately regain possession of all labels that have not been applied to homes and shall take such further action with respect to homes already labeled, and with respect to future labeling, as it may deem necessary to assure compliance with the Act and the Board's rules; and

- D. Labels may only be issued to a manufacturer licensed by the Board pursuant to 10 M.R.S. §9021(1).
- E. The fee for each label is set forth in Chapter 10, Section 22 of the rules of the Maine Office of Professional and Occupational Regulation, entitled "Establishment of License Fees."

#### 5. **Records of Labels**

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

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

#### 6. **Attachment of Labels**

The Board or the authorized inspection agency shall affix labels to homes or building components manufactured in accordance with an approved building system that also met the requirements of an approved compliance assurance program. The manufacturer may affix the label if custody of labels has been entrusted to employees of the manufacturer in accordance with Subchapter 3, Section 15(4)(C).

#### 7. **Manufacturer's Data Plate**

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

- A. Name and address of manufacturer;
- B. Manufacturer's identification number (serial number);
- C. Manufacturer's plan approval designation (model number/name);
- D. Insignia serial number;
- E. Construction type;
- F. Occupancy type (use group);



- G. Seismic zone;
- H. Gas type, if appropriate;
- I. Wind velocity load;
- J. Roof live load;
- K. Name and date of applicable nationally-recognized code complied with; and
- L. Date of manufacture.

8. **Alterations of Certified Units**

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

16. **Violations**

1. **Individual Nonconformances**

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

2. **Order of Correction; Disciplinary Action**

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

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

### 3. **Certificate of Occupancy**

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

### 4. **Class Nonconformance**

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

A condition is considered to be a class nonconformance if:

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

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

### 5. **Program Nonconformance**

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

hearings. The executive director of the Board has the burden of proving the program nonconformance at hearing.

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

## **17. Authority of Local Enforcement Agency**

### **1. Scope of Authority**

The local enforcement agency may exercise all authority granted by the *Maine Uniform Building and Energy Code* or local ordinance, except that the local enforcement agency may not deny, delay or withhold a building permit or occupancy permit for a one- or two-family residential building because Manufactured Housing Board-certified building components fail to comply with the *Maine Uniform Building and Energy Code* or local ordinance. See also Subchapter 1, Section 5(1), "Applicability of Local Law."

### **2. Effect of Certification Label**

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

### 3. **Design Changes**

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

### 4. **Workmanship**

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

### 5. **Relocation of State-certified Modular Homes**

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

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

## 18. **Proprietary Information**

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

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**SUBCHAPTER 4**  
**ADDITIONAL APPROVAL METHODS FOR STATE-CERTIFIED MODULAR HOMES**

**19. Overview**

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

**20. Local Option Approval Method**

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

1. The manufacturer must be licensed by the Board.
2. Installation and connection of plumbing, heating and electrical components that are not part of the envelope of the home must be installed by licensed professionals pursuant to the standards adopted by the boards that license the respective trades.
3. The municipality shall notify the manufacturer and the Board in writing of the recognized local building codes and confirm the municipality's willingness to accept a home constructed by the manufacturer in compliance with those codes. The manufacturer shall certify that the modular home conforms to the recognized local building codes of the municipality. The manufacturer's certificate must be permanently affixed to a cabinet or closet of the modular home.

**21. Special Program of Approval**

**1. Generally**

The Board may approve a special program of approval if a manufacturer demonstrates to the satisfaction of the Board that an unreasonable economic hardship prevents the manufacturer from meeting the requirements of the inspection agency approval method set forth in Subchapter 3 or the local option approval method set forth in Subchapter 4, Section 20. In no case may a program of unsupervised self-certification be authorized.

**2. Demonstration of Hardship**

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

**3. Additional Criteria for Approval**

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

4. **Action by Board**

The executive director of the Board may refuse to approve a special program that fails to meet the approval criteria in Subchapter 4, Section 21(1–3). Such refusal must be in writing, must include the reasons for the refusal and must inform the manufacturer of the time and manner in which an appeal to the Board may be taken pursuant to Subchapter 6.

**SUBCHAPTER 5  
APPROVAL OF INSPECTION AGENCIES**

**22. Requirements for Submission**

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

1. The original Articles of Incorporation of the agency and all subsequent amendments thereto, as filed in the State of incorporation.
2. The bylaws of the organization, if any.
3. The names, addresses, and business of all owners, members of the board of directors and top management personnel.
4. Certification by the agency that:
  - A. Its board of directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment; and
  - B. Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.
  - C. The inspection agency will not perform design or quality assurance program approvals for any manufacturer whose design or quality assurance program has been created in whole or in part by members of the inspection agency or any affiliated organization.
    - (1) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection or evaluation programs. Registration in more than one State is not required.
    - (2) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of engineering; the states in which each is registered; and the services each performs. Registration in more than one state is not required.

- (3) An organizational chart showing management and supervisory persons, including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full-time and which are part-time engineers. The ASTM E-541 Standard must be used to establish minimum personnel requirements.
- (4) Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform; and the qualification of each group and each technician to perform the work assigned.
- (5) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.
- (6) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.
- (7) All engineers, technicians, and other personnel who will perform services for the organization, but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.
- (8) Type of products, components, equipment, structures, and other items which the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications, and requirements with respect to which the organization has had experience in providing evaluation, inspection, or testing services, and the number of years of experience with each.
- (9) Description of the record-keeping system the agency proposes to use with particular regard to availability of records to the Board and the capacity to render reports.
- (10) Description of the frequency with which the agency performs inspections or evaluations.
- (11) List of the States in which the agency is now approved to inspect or evaluate manufactured housing.
- (12) Certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and the requirements adopted herein, or manufactured housing for compliance with approved building systems.

### **23. Procedures for Approving and Delegating**

1. The Board may approve inspection agencies which meet the requirements of Subchapter 5, Section 22 and which the Board finds otherwise qualified to perform the functions proposed to be delegated to them.

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

#### **24. Continued Approval of Authorized Inspection Agencies**

1. The Board or its agent shall monitor each authorized inspection agency at any reasonable time, with or without prior announcement, in order to monitor the reliability of the agency. Each such examination must investigate the adequacy of all evaluation procedures including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of such examination must be kept on file at the offices of the Board. Copies of such reports must be sent to the authorized inspection agency. Authorized inspection agencies must be specifically notified of any deficiencies and of the manner in and time by which such deficiencies must be eliminated. If deemed necessary by the Board, approval of an inspection agency may be suspended or revoked as provided in Subchapter 5, Section 25.

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

2. The Board or its agent shall monitor each authorized inspection agency, at any reasonable time, with or without prior announcement, at either the inspection agency's office or at a manufacturer's place of business, in order to measure the performance of each inspection agency and of its monitoring of the manufacturer's compliance assurance program. Each such examination must investigate the adequacy of all procedures used by the authorized inspection agency in the monitoring activity including personnel selection, training, supervision, reporting accuracy, use of approved documents, evaluation of reports, decision criteria, and all other activities which measure the effectiveness of the manufacturer's program. The results of such examinations must be kept on file at the offices of the Board. Copies of such reports must be sent to the authorized inspection agency. The authorized inspection agency must be specifically notified of any deficiencies and the means and time by which such deficiencies must be eliminated. If deemed necessary by the Board, an inspection agency's approval may be suspended or revoked as provided in Subchapter 5, Section 25.

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



## 25. Suspension and Revocation

### 1. Grounds

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

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

### 2. Procedure

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

### 3. Procedures Following Suspension or Revocation

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

## **SUBCHAPTER 6 APPEALS TO THE BOARD**

### **26. Scope**

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

1. A manufacturer who appeals the executive director's denial of a waiver of compliance from the Energy Specifications Table sought under Subchapter 2, Section 10(H)(6)(k)(iv);
2. A manufacturer who appeals the executive director's denial of a waiver of compliance with the radon standard sought under Subchapter 2, Section 10(J)(4)(i)(iii);
3. A manufacturer who appeals an authorized inspection agency's refusal to approve a building system pursuant to Subchapter 3, Section 12(2)(C);
4. A manufacturer who appeals an authorized inspection agency's suspension or revocation of approval of a building system pursuant to Subchapter 3, Section 12(6);
5. A manufacturer who appeals an authorized inspection agency's suspension or revocation of approval of a compliance assurance program pursuant to Subchapter 3, Section 13(5)(A) or (B);
6. A manufacturer who appeals an order of the executive director or authorized inspection agency to remove a label from a damaged home pursuant to Subchapter 3, Section 14(5);
7. A manufacturer who appeals the executive director's order to correct a nonconformance pursuant to Subchapter 3, Section 16(2);
8. A manufacturer who appeals the executive director's order to correct a class nonconformance pursuant to Subchapter 3, Section 16(4);
9. A manufacturer who appeals the executive director's refusal to approve a special program of approval pursuant to Subchapter 4, Section 21(4); and
10. An inspection agency who appeals the executive director's denial of approval pursuant to Subchapter 5, Section 23(4).

### **27. Timeliness**

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

### **28. Contents of Appeal**

The appeal must include a copy of the suspension, revocation, order, refusal, denial or other action appealed from, a description of the manufactured housing affected, a detailed explanation of the reason for the appeal, and a statement of the relief sought by the appellant. The Board will

provide a copy of the appeal to the authorized inspection agency or the executive director, as the case may be.

## **29. Appeal Hearing**

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

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