

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 89

H.P. 75

House of Representatives, January 15, 2019

**An Act To Impose Requirements on the Rental of Residential
Property That Has Been Used in the Manufacture of
Methamphetamine**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MASTRACCIO of Sanford.
Cosponsored by Senator WOODSOME of York and
Representatives: CARNEY of Cape Elizabeth, FECTEAU of Biddeford, RYKERSON of
Kittery, SCHNECK of Bangor, SYLVESTER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 14 MRSA §6030-H** is enacted to read:

3 **§6030-H. Properties used in the manufacture of methamphetamine**

4 **1. Decontamination, testing and disclosure required.** A landlord or other person
5 who on behalf of a landlord enters into a lease or tenancy at will agreement for residential
6 property who has knowledge or has reason to have known that a property has been used
7 in the manufacture of methamphetamine, as described in Title 17-A, section 1124, shall,
8 before a tenant or lessee enters into a contract or pays a deposit to rent or lease the
9 property, ensure the following:

10 A. That the property has been decontaminated and that environmental testing has
11 been performed and determined that the property is safe for human habitation, in
12 accordance with the standards established by the United States Environmental
13 Protection Agency's March 2013 revised edition of the Voluntary Guidelines for
14 Methamphetamine Laboratory Cleanup or other standards as established by the rules
15 adopted by the Department of Economic and Community Development under
16 subsection 4; and

17 B. That the prospective tenant or lessee receives a written disclosure describing the
18 decontamination efforts and results of environmental testing undertaken on the
19 property in accordance with this subsection and a description of the rooms or areas of
20 the property used in the manufacture of methamphetamine.

21 For the purposes of this section, a landlord or other person who on behalf of a landlord
22 enters into a lease or tenancy at will agreement for residential property has reason to have
23 known that a property has been used in the manufacture of methamphetamine if criminal
24 charges have been filed against any person under Title 17-A, section 1124 alleging that
25 methamphetamine has been manufactured at the property.

26 **2. Penalty.** A person who violates this section commits a civil violation for which a
27 fine of up to \$500 per violation may be assessed. This subsection is enforceable in either
28 District Court or Superior Court.

29 **3. Breach of implied warranty.** The failure of a landlord or other person who on
30 behalf of a landlord enters into a lease or tenancy at will agreement for a residential
31 building to provide for the decontamination and testing or the notice required under
32 subsection 1 is a breach of the implied warranty of fitness for human habitation in
33 accordance with section 6021.

34 **4. Rulemaking.** The Department of Economic and Community Development may
35 adopt rules to implement this section. Rules adopted pursuant to this subsection are
36 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

37 **SUMMARY**

38 This bill requires that landlords and other persons entering into a lease or tenancy at
39 will agreement for residential property ensure that property used in the manufacture of

1 methamphetamine be decontaminated and tested in accordance with the standards
2 established by the United States Environmental Protection Agency's March 2013 revised
3 edition of the Voluntary Guidelines for Methamphetamine Laboratory Cleanup or other
4 standards established in rule by the Department of Economic and Community
5 Development. The bill also requires that landlords and other persons entering into a lease
6 or tenancy at will agreement disclose to the potential tenant or lessee that a property has
7 been used in the manufacture of methamphetamine. The bill makes violation of these
8 provisions a civil violation, punishable by a fine of up to \$500, and also states that failure
9 to decontaminate or disclose constitutes a breach of the implied warranty of fitness for
10 human habitation. The bill gives the Department of Economic and Community
11 Development authority to adopt rules to implement these provisions.