

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
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15. Sunrise and sunset. The time of sunrise and sunset shall be determined by reference to such times as computed and established for Augusta, Maine by the Nautical Almanac Office of the United States Naval Observatory, converted to the legal standard of time in force in this State on that day.

Sec. 2. R. S., T. 12, § 2455, amended. The 2nd paragraph of section 2455 of Title 12 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

Except that it shall be unlawful to hunt wild animals in the State from sunset to $\frac{1}{2}$ hour before sunrise of the following morning, except skunks and raccoons, during the open season on deer hunting with firearms each year.

Effective September 23, 1971

Chapter 268

AN ACT Relating to Sale Price of Liquor.

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

Sec. 1. R. S., T. 28, § 204, amended. The 2nd sentence of section 204 of Title 28 of the Revised Statutes, as last repealed and replaced by section 44 of chapter 590 of the public laws of 1969, is amended to read as follows:

The commission shall sell to such licensees spirituous and vinous liquor, except table wine, for a price of 10% less than the retail price ~~in state retail stores~~ established for the state retail store where the purchase is made provided that such discount shall not apply to federal taxes levied on and after November 1, 1941.

Sec. 2. R. S., T. 28, § 451, amended. The first paragraph of section 451 of Title 28 of the Revised Statutes, as amended, is further amended by adding at the end the following:

Notwithstanding the other provisions of this section, the commission, with the approval of the Commissioner of Finance and Administration, may reduce the price of liquor in one store and establish at that store the price to which the 10% discount in section 204 shall be applicable.

Effective September 23, 1971

Chapter 269

AN ACT Relating to Mental Examination of Persons Accused of Crime.

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

R. S., T. 15, § 101, amended. The first sentence of section 101 of Title 15 of the Revised Statutes, as repealed and replaced by chapter 279 of the public laws of 1969, is amended to read as follows:

When a finding of probable cause has been made or an indictment has been returned against a person or a person has taken an appeal to the Superior Court, a Justice of the Superior Court, if requested by the attorney for the respondent, or ~~provided that the respondent consents in all cases if requested by the prosecuting attorney where a respondent raises the issue of criminal responsibility or indicates to the Court he is going to raise the issue of criminal responsibility~~, or by the court on its own motion for cause shown or providing that the respondent consents, may order the respondent examined to determine his mental condition with reference to the issues of criminal responsibility and competence to stand trial.

Effective September 23, 1971

Chapter 270

AN ACT to Provide an Implied Warranty and Covenant of Habitability in Leases of Dwellings.

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

R. S., T. 14, c. 710, additional. Title 14 of the Revised Statutes is amended by adding a new chapter 710, to read as follows:

CHAPTER 710

RENTAL PROPERTY

§ 6021. Implied warranty and covenant of habitability

In any written or oral lease or agreement for rental of a dwelling intended for human habitation, the landlord shall be deemed to covenant and warrant that such dwelling is fit for human habitation.

If the dwelling is not fit for human habitation, the tenant may, in addition to pursuing any remedies which may otherwise exist, rescind the rental contract and recover a just proportion of the rent. Consequential damages may not be awarded for the breach of the warranty of habitability. In order to rescind the rental contract the tenant, members of his family, his guests or his invitees must not have proximately caused the condition which makes the premises unfit for human habitation.

Before the tenant may rescind the rental contract he must have given the landlord written notice of the condition which makes the premises unfit for human habitation within 7 days of the discovery of the condition. At the time of notice the rent must be currently paid. If the landlord does not repair the condition within 30 days after the receipt of notice from the tenant, the tenant may then rescind the contract at any time within the next 30 days.

The 7-day period within which the tenant must notify the landlord commences at the time the tenant, in the exercise of reasonable care, could have discovered the condition.

Effective September 23, 1971