

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

JAMES E. TIERNEY  
ATTORNEY GENERAL



STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

March 10, 1982

Honorable Linwood M. Higgins  
House of Representatives  
State House  
Augusta, Maine 04333

Re: An Act to Protect Persons With Children Against  
Discrimination in Fair Housing.

Dear Representative Higgins:

You have asked whether owners of mobile home parks may refuse to allow families with children to inhabit mobile homes located within such park. It is my conclusion that park owners who rent mobile homes are subject to the provisions of P.L. 1981, c. 400, which limits the ability of landlords to exclude children from rental units. However, park owners who merely rent park lots to persons who live in their own mobile homes are not regulated by this statute.

P.L. 1981, c. 400 enacted 14 M.R.S.A. § 6024, which states that "[i]t is unlawful and opposed to public policy for any landlord to have as a condition precedent to the renting of any dwelling unit a requirement as to the number of children that the prospective tenant may have residing in the unit." [emphasis added].<sup>1/</sup> Section 6024 does not contain a definition of the term "dwelling unit." However, this term is defined in 14 M.R.S.A. § 6021, which is the first section of the chapter which includes § 6024, in the following manner:

"1. Definition. As used in this section, the term 'dwelling unit' shall include mobile homes, apartments, buildings or other structures . . . which are rented for human habitation."

---

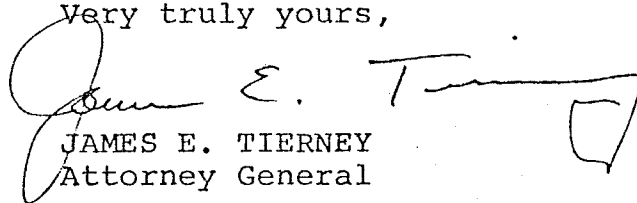
<sup>1/</sup> In 1981 the Legislature inadvertently enacted two statutes, dealing with different subjects, titled 14 M.R.S.A. § 6024. The cumulative pocket supplement to the Maine Revised Statutes Annotated refers to the section enacted by P.L. 1981, c. 400 as "§ 6024 (post)."

Although this definition states that it is limited to §6021, the term "dwelling unit" appears without definition in statutes placed within the same chapter which were enacted subsequent to the enactment of §6021. Therefore it is reasonable to assume that the Legislature intended that "dwelling unit" be construed to have the same definition in §6024 as it has in §6021. It should be noted that the words "dwelling" and "dwelling house" appear in several Maine statutes, generally in a context that encompasses any structure used for human habitation. The references to "any landlord" and "any dwelling unit" in §6024 give further support to the view that the scope of the statute is sufficiently broad to include mobile homes.

I conclude that individual mobile homes located within a mobile home park which are owned by a landlord and rented to tenants are subject to the provisions of §6024 which limit discrimination against families with children.<sup>2/</sup> However, the rental of mobile home park lots to those who own a mobile home cannot be construed to constitute the renting of "dwelling units" within the meaning of §6024. As explained above, the term "dwelling unit" generally refers to buildings or other structures intended for human habitation. There is no evidence of any legislative intent to include the rental of lots within the scope of §6024. Therefore, the mere renting of mobile home park lots is not subject to the provisions of §6024.

If I can be of further service to you on this question, please let me know.

Very truly yours,

  
JAMES E. TIERNEY  
Attorney General

JET:jg

---

<sup>2/</sup> The owner of mobile homes, like any other landlord, would be able to set aside no more than 25% of his total number of rental dwelling units for occupancy by tenants without children. See 14 M.R.S.A. §6024(1), last sentence.