

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2318

H. P. 1828

House of Representatives, January 8, 1974

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Murray of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify the Municipal Rent Control Law.

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

Sec. 1. R. S., T. 30, § 5371, repealed and replaced. Section 5371 of Title 30 of the Revised Statutes, as enacted by chapter 506 of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 5371. Declaration of emergency

A serious public emergency exists with respect to the housing of a substantial number of citizens in certain municipalities of the State upon the declaration or proclamation of the Governor that such an emergency exists. Deterioration of a substantial portion of the existing housing stock, insufficient new housing construction, increased costs of construction, and finance, inflation has resulted in a substantial and increasing shortage of rental accommodations for families of low and moderate income and abnormally high rents; that unless residential rents are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of the aforementioned communities and in other communities adjacent to them; that such emergency should be met by the State immediately and with due regard for the rights and responsibilities of its local communities.

Sec. 2. R. S., T. 30, § 5372, amended. Section 5372 of Title 30 of the Revised Statutes, as enacted by chapter 506 of the public laws of 1973, is amended by adding at the end the following new paragraph:

A municipality may include in its rent control ordinance provisions intended to implement or amplify the provisions of this chapter.

Sec. 3. R. S., T. 30, § 5373, sub-§ 2, §§ D and E, additional. Subsection 2 of section 5373 of Title 30 of the Revised Statutes, as enacted by chapter 506 of the public laws of 1973, is amended by adding 2 new paragraphs, D and E, to read as follows:

D. Rental units in hotels, motels, inns, tourist homes and rooming or boarding homes which are rented primarily to transient guests for a period of less than 14 consecutive days;

E. The rental unit in an owner-occupied 2-family house.

Sec. 4. R. S., T. 30, § 5374, sub-§ 3-A, additional. Section 5374 of Title 30 of the Revised Statutes is amended by adding a new subsection 3-A, to read as follows:

3-A. Conflict of interest. No board member shall be involved in a rent control unit either as a tenant, landlord or financier.

Sec. 5. R. S., T. 30, § 5374, sub-§ 4, repealed and replaced. Subsection 4 of section 5374 of Title 30 of the Revised Statutes, as enacted by chapter 506 of the public laws of 1973, is repealed and the following enacted in place thereof:

4. Studies. The board or administrator may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in promulgating any regulation, rule or order under this chapter, or in administering and enforcing this chapter and regulations and orders promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify and to produce books and papers in like manner as he may be summoned to attend as a witness before a court. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled rental unit may be required to furnish under oath any information required by the board or administrator, and to produce records and other documents and make reports. Such persons shall have the right to be represented by a person of their choosing and a transcript or tape shall be taken upon request of either party of all testimony and such person shall have the right to examine said transcript at reasonable times and places.

Sec. 6. R. S., T. 30, § 5375, sub-§ 6, additional. Section 5375 of Title 30 of the Revised Statutes, as enacted by chapter 506 of the public laws of 1973, is amended by adding a new subsection 6, to read as follows:

6. Rent adjustment hearings:

A. The board or the administrator shall consider an adjustment of rent for an individual rental unit upon receipt of a petition for adjustment filed by the landlord or tenant of such unit or upon its own initiative. The board or the administrator shall notify the landlord, if the petition was filed by the tenant, or the tenant, if the petition was filed by the landlord, of the receipt of such petition and of the right of either party to request a hearing. If a

hearing is requested by either party, or if the action is undertaken on the initiative of the board or the administrator, the hearing shall be conducted before the administrators or at least one member of the board prior to the decision by the board or the administrator to grant or refuse a rental adjustment. Notice of the time and place of the hearing shall be furnished to the landlord and tenant. The board or the administrator may consolidate petitions relating to controlled rental units in the same building, and all such petitions may be considered in a single hearing.

B. On its own initiative, the board or the administrator may make a general adjustment by percentage of the rental levels for any controlled rental unit within a municipality. Prior to making such adjustment, a public hearing shall be held before the administrator or before at least a majority of the board. Notice that an adjustment is under consideration, a description of the rental units which would be affected by the adjustment, and the time and place of such public hearing shall be published 3 times in at least one newspaper having a general circulation within the city or town.

C. Notwithstanding any other provision of this section, the board or the administrator may, without holding a hearing, refuse to adjust a rent level for an individual rental unit if a hearing has been held with regard to the rental level of such unit within 12 months.

Sec. 7. R. S., T. 30, §§ 5377 - 5378, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections 5377 and 5378 to read as follows:

§ 5377. Penalties

Whoever willfully violates any provision of this chapter or any rule or regulation hereunder promulgated, or whoever knowingly makes any false statement in any testimony before the rent board or administrator or whoever knowingly supplies the rent board or administrator with any false information shall be considered to have committed a misdemeanor offense.

§ 5378. Retaliatory eviction

Any person evicted because of any action to pass an ordinance of rent control or because of complaints to a rent control board or administrator shall be protected by Title 14, section 6001.

STATEMENT OF FACT

The intent of the amendment to the rent control enabling statute is solely to clarify certain provisions of the Act.