

# MAINE STATE LEGISLATURE

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D. OF 4

L.D. 808

STATE OF MAINE  
SENATE  
109TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. 3-217)

COMMITTEE AMENDMENT "A" to S. P. 267, L.D. 808, Bill,  
"AN ACT to Provide for Self-help for Minor Repairs under the  
Landlord-tenant Statutes."

Amend the Bill by striking out everything after the enacting  
clause and inserting in its place the following:

'14 MRSA §6024 is enacted to read:

§6024. Dangerous conditions requiring minor repairs

1. Prohibition of dangerous conditions requiring minor  
repairs. No landlord leasing premises for human habitation  
shall maintain or permit to exist on those premises any  
condition which endangers or materially impairs the health or  
safety of the tenants.

2. Tenant action if landlord fails to act. If a landlord  
fails to maintain a rental unit in compliance with the  
standards of subsection 1 and the reasonable cost of compliance  
is less than \$100 or an amount equal to 1/2 the monthly rent,  
whichever amount is greater, the tenant shall notify the  
landlord in writing of his intention to correct the condition  
at the landlord's expense. If the landlord fails to comply  
within 14 days after being notified by the tenant, or as  
promptly as conditions require in case of emergency, the tenant

may cause the work to be done in a workmanlike manner. After submitting to the landlord an itemized statement, the tenant may deduct from his rent the actual and reasonable cost or the fair and reasonable value of the work not exceeding the amount specified in this subsection. Actual and reasonable cost or fair and reasonable value shall not include the value of labor provided by the tenant or any member of his immediate family. That cost or value may include parts and materials purchased by the tenant.

3. Section not applicable if condition caused by tenant.

The provisions of this section may not be invoked if the unsafe or unhealthy condition was caused by the tenant or a person acting under his control, or if the landlord has been denied reasonable access to the premises for the purpose of effecting repairs, or if extreme weather conditions prevent effecting repairs.

4. Retaliation prohibited. No writ of possession

under section 6001 shall issue when the tenant shows that the action of forcible entry and detainer was commenced in retaliation for the tenant's exercising his rights, reasonably and in good faith, under any provision of this section.

5. Waiver void. A provision in a lease, whether oral

or written, in which the tenant waives his rights under this section is void. This prohibition shall not apply to a waiver of rights under subsection 1 if it is allowed under section 6021, subsection 5.

6. Rights created by this section supplemental. The rights created by this section are supplemental to, and in no way limit, the rights of a tenant under section 6021.

7. Liability of landlord for injury. A landlord shall not be liable for an injury to a tenant who acts under subsection 2 and is injured as a result of those actions. A landlord shall also not be liable for any injury or damages directly resulting from an action under subsection 2.

8. Application. This section shall not apply to any tenancy for a dwelling unit which is part of a structure containing no more than 5 dwelling units, one of which is occupied by the landlord.'

#### Statement of Fact

This amendment clarifies the maximum of allowable repairs to 1/2 of the monthly rent, provides that the labor of the tenant or his immediate family is not reimbursable and preserves the right to waive the warranty of habitability that is allowed under section 6021. It also provides a limited provision to prevent retaliation by a landlord against a tenant exercising his rights under this section.

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