

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 348

H. P. 319

House of Representatives, January 21, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Berube of Lewiston.

Cosponsor: Representative Benoit of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify the Right of Access to a Rental Dwelling Unit.

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

14 MRSA § 6024 is enacted to read:

§ 6024. Access to premises

1. **Tenant obligations.** A tenant may not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors.

2. **Landlord obligations.** Except in the case of emergency or if it is impracticable to do so, the landlord shall give the tenant reasonable notice of his intent to enter and shall enter only at reasonable times. Twenty-four hours is presumed to be a reasonable notice in the absence of evidence to the contrary.

3. **Remedy.** If a landlord makes an entry in violation of this section, makes a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful which have the effect of harassing the tenant, the tenant may terminate the rental agreement without prejudice or he may recover actual damages or \$25, whichever is greater, obtain injunctive relief to prevent

recurrence of the conduct, and if he obtains a judgment, reasonable attorney's fees.

4. Waiver. Any agreement by a tenant to waive any of the rights or benefits provided by this section is against public policy and is null and void.

STATEMENT OF FACT

Court decisions have established a general rule that landlords cannot make unnecessary or unreasonable demands for access to rented, residential dwelling units. Nor can tenants unreasonably deny landlords access when prior notice has been given and there is some need for entering the premises.

There are no statutes which outline responsibilities and remedies on access problems. This bill would clarify the mutual obligations of landlords and tenants and would specify the remedy available.