

MAINE STATE LEGISLATURE

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L.D. 719

2

(Filing No. H-115)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 571,
L.D. 719, Bill, "AN ACT Relating to Mobile Home
Parks."

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11 Amend the bill by inserting after the enacting
12 clause the following:

13 'Sec. 1. 30 MRSA §4066-B, sub-§1, paragraph H,
14 as enacted by PL 1975, c. 458, §5, is amended to
15 read:

16 H. Under terms and expressed conditions in the
17 original lease or rental agreement which is
18 entered into by the tenant and landlord; or

19 Sec. 2. 30 MRSA §4066-B, sub-§1, paragraph I is
20 enacted to read:

21 I. Violation by a tenant of paragraph A, B or E,
22 3 or more times in a 12-month period, notwith-
23 standing the fact that the tenant in each case
24 corrected the violation after being notified of
25 the violation by the park owner or operator. For
26 purposes of termination under this paragraph, the
27 tenant shall have engaged in at least 3 separate
28 instances of misconduct.'

29 Further amend the bill by inserting at the begin-
30 ning of the 1st line after the enacting clause (page
31 1, line 21 in L.D.) the following:

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'Sec. 3.'

COMMITTEE AMENDMENT "A" to H.P. 571, L.D. 719

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STATEMENT OF FACT

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The original bill repeals the provision of the mobile home park law, allowing eviction without cause, since the current law provides a number of specific grounds on which to terminate the tenancy.

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This amendment addresses the problem of the park tenant who makes repeated violations but, during the notice period required by statute, eventually complies. Specifically, Title 30, section 4066-B, subsection 1, paragraphs A, B and E relate respectively to payment of rent and other charges, compliance with laws and ordinances and compliance with reasonable written rules of the park. Since each of those provisions requires notification and a reasonable opportunity to comply, under the original bill, a persistent violator could evade termination of the tenancy by complying within the notice period, only to repeat the violation at a later time.

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Title 30, section 4066-B, subsection 1, paragraph I, the 2nd sentence of the recommended language clearly limits the application of this section to the repeated violations contemplated by the amendment. For example, it prevents a park owner or operator from asserting a violation of all 3 paragraphs by a single act of the tenant. A single late payment of rent, while arguably constituting a violation of all 3 provisions, would, therefore, not be sufficient grounds to evict under the recommended Title 30, section 4066-B, subsection 1, paragraph I.

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Reported by the Committee on Business Legislation
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4/5/83

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