

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1202

7 H.P. 923

House of Representatives, March 15, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Gauvreau of Lewiston.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Improve Remedies for
18 Substandard Housing.
19

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

22 Sec. 1. 14 MRSA §6002, first ¶, as amended by
23 PL 1971, c. 544, §§46-A and 47, is further amended to
24 read:

25 Tenancies at will must be terminated by either
26 party by 30 days' notice by the landlord for good
27 cause stated in the notice, except as provided in
28 subsection 1, in writing for that purpose given to
29 the other party, and not otherwise, excepting cases
30 where the tenant, if liable to pay rent, shall not be
31 in arrears at the expiration of the notice, in which
32 case the 30 days' notice shall be made to expire upon
33 a rent day, provided that either party may waive in
34 writing said 30 days' notice at the time said notice

1 is given, and at no other time prior to the giving of
2 such notice. Such termination shall not be affected
3 by the receipt of moneys, whether previously owed or
4 for current use and occupation, until the date a writ
5 of possession is issued against the tenant during the
6 period of actual occupancy after receipt of said
7 notice. When the tenancy is terminated, the tenant is
8 liable to the process of forcible entry and detainer
9 without further notice and without proof of any rela-
10 tion of landlord and tenant unless he has paid, after
11 service of the notice, rent that accrued after the
12 termination of the tenancy. These provisions apply to
13 tenancies of buildings erected on land of another
14 party. Termination of the tenancy shall be deemed to
15 occur at the expiration of the time fixed in the
16 notice.

17 Sec. 2. 14 MRSA §6002, sub-§1, as amended by PL
18 1981, c. 428, §2, is further amended to read:

19 1. Causes for 7-day notice of termination of
20 tenancy. Notwithstanding any other provisions of this
21 chapter, in the event that the landlord can show, by
22 affirmative proof, that the tenant, the tenant's
23 family or an invitee of the tenant has caused sub-
24 stantial damage to the demised premises which the
25 tenant has not repaired or caused to be repaired
26 before the giving of the notice provided in this sub-
27 section, has caused or permitted a nuisance within
28 the premises, has caused or permitted an invitee to
29 cause the dwelling unit to become unfit for human
30 habitation or has violated or permitted a violation
31 of the law regarding the tenancy, or when the tenant
32 is 14 days or more in arrears in payment of his rent,
33 the tenancy may be terminated by the landlord by 7
34 days' notice in writing for that purpose given to the
35 tenant, and in the event that the landlord or his
36 agent has made at least 3 good faith efforts to serve
37 the tenant, that service may be accomplished by both
38 mailing the notice by first class mail to the
39 tenant's last known address and by leaving the notice
40 at the tenant's last and usual place of abode. If a
41 tenant, who is 14 days or more in arrears in payment
42 of his rent, pays the full amount of rent due before
43 the expiration of the 7-days' notice in writing, that
44 notice shall be void. Payment or written assurance
45 of payment through the general assistance program, as

1 authorized by the State or a municipality pursuant to
2 Title 22, chapter 1251, shall be given the same
3 effect as payment in cash.

4 Sec. 3. 14 MRSA §6021, sub-§4, ¶E is enacted to
5 read:

6 E. The court shall award the complainant reason-
7 able attorney's fees and costs.

8 Sec. 4. 14 MRSA §6039 is enacted to read:

9 §6039. Violations of rights

10 Any violation of the rights provided in sections
11 6001 to 6038 shall be an unfair trade practice, as
12 defined by Title 5, section 207, and subject to the
13 remedies provided therein, in addition to the other
14 remedies provided in this chapter, chapter 709 or
15 otherwise by law.

16 Sec. 5. 30 MRSA §4601-A, sub-§1, ¶O is enacted
17 to read:

18 O. On or before January 1, 1984, adopt regula-
19 tions providing a State Housing Code which shall
20 establish minimum standards governing the condi-
21 tion and maintenance of all dwellings; establish
22 minimum standards concerning equipment necessary
23 to the operation or enjoyment of the dwellings,
24 all in order to make dwellings safe, sanitary and
25 fit for human habitation, which regulations shall
26 include, but not be limited to, regulations
27 establishing minimum standards governing:

28 (1) The conditions and maintenance of
29 dwellings;

30 (2) The adequate supply and maintenance of
31 utilities, including, but not limited to,
32 heat, hot water, water, sewage, electricity,
33 gas and oil;

34 (3) Methods of egress and ingress;

35 (4) Light and ventilation;

1 (5) Insect and rodent control;

2 (6) Electrical, plumbing and heating equip-
3 ment and facilities;

4 (7) Garbage and rubbish;

5 (8) Sanitary fixtures;

6 (9) Interior and exterior protection from
7 the weather and elements;

8 (10) Space and occupancy requirements; and

9 (11) All other physical things and condi-
10 tions essential to make dwellings safe,
11 sanitary and fit for human habitation.

12 The regulations shall provide a method for
13 enforcement of the regulations and shall require
14 that a certificate of occupancy be necessary as a
15 precondition to the rental of dwellings. The
16 certificate shall certify that the dwellings com-
17 ply with the State Housing Code as promulgated.

18 Any person violating any of the regulations
19 adopted pursuant to this provision by the author-
20 ity or failing to comply with any lawful order
21 made pursuant to the regulations commits a civil
22 violation for which a forfeiture of not less than
23 \$10 nor more than \$500 shall be adjudged for each
24 day of the violation.

25 For the purposes of this paragraph, "dwelling"
26 means a structure or that part of a structure
27 which is, or is intended, for use as a home or
28 residence by one person or by 2 or more persons
29 maintaining a common household.

30 The state authority may amend and adopt rules in
31 accordance with the Maine Administrative Proce-
32 dure Act, Title 5, chapter 375, and prior to
33 adoption of the rules, hold a public hearing or
34 hearings, in its discretion, on the proposed
35 rules and publish notice on the proposed rules in
36 the state paper at least 7 days prior to the
37 hearing day, including the location, time and

1 place and substance of the hearing. After hold-
2 ing the hearing, the state authority may adopt
3 and amend any or all of the proposed rules. The
4 adopted rules shall be published in the state
5 paper and shall become effective one week follow-
6 ing publication in the state paper and shall have
7 the full force of the law.

8 Any municipality may by ordinance prescribe regu-
9 lations pursuant to section 2151, subsection 4,
10 covering the same areas encompassed by the State
11 Housing Code. These regulations shall provide
12 not less than the minimum standards adopted by
13 the state authority. In the event that the
14 provisions in the State Housing Code require
15 greater standards of compliance than those
16 promulgated by a municipality, the State Housing
17 Code shall control.

18 STATEMENT OF FACT

19 This bill improves remedies for tenants of sub-
20 standard apartments and clarifies certain other
21 aspects of landlord-tenant law.

22 Section 1 provides that evictions upon 30 days'
23 notice must be for good cause.

24 Section 2 requires that eviction notices which
25 cannot be served personally be mailed in addition to
26 being left at the apartment, in accordance with the
27 United States Supreme Court decision in Greene vs.
28 Lindsey, 102 S. Ct. 1874 (1982), which found uncon-
29 stitutional a Kentucky statute which permitted ser-
30 vice by simply posting a notice as in present Maine
31 law.

32 Section 3 provides attorney's fees for complain-
33 ants who successfully establish violations of the
34 warranty of habitability.

35 Section 4 provides that any violation of the
36 landlord-tenant laws is also an unfair trade prac-
37 tice.

1 Section 5 allows the Maine State Housing Author-
2 ity to adopt, by regulation, a State Housing Code
3 after having been given an opportunity to study the
4 problem and after having held public hearings. The
5 State Housing Code encompasses those areas presently
6 covered by some municipal housing codes and has the
7 added benefit of providing for a housing code for the
8 entire State. Most Maine municipalities do not now
9 have a housing code to provide minimum standards for
10 decent living for their inhabitants.

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