

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2228

6  
7 H.P. 1683

House of Representatives, March 13, 1984

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

EDWIN H. PERT, Clerk

10 Presented by Representative Handy of Lewiston.

Cosponsors: Representative Nadeau of Lewiston and Representative Bost  
of Orono.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Protect Tenants From Lack  
18 of Heat.  
19

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

22 Sec. 1. 14 MRSA §6021, sub-§6 is enacted to  
23 read:

24 6. Heating requirements. It is a breach of the  
25 implied warranty of fitness for human habitation when  
26 the landlord is obligated by agreement or lease to  
27 provide heat for a dwelling unit and:

28 A. The landlord maintains an indoor temperature  
29 which is so low as to be injurious to the health  
30 of occupants not suffering from abnormal medical  
31 conditions;

32 B. The dwelling unit's heating facilities are  
33 not capable of maintaining a minimum temperature

1 of at least 68 degrees Fahrenheit at a distance  
2 of 3 feet from the exterior walls, 5 feet above  
3 floor level at an outside temperature of minus 20  
4 degrees Fahrenheit; or

5 C. The heating facilities are not operated so as  
6 to protect the building equipment and systems  
7 from freezing.

8 Municipalities of this State are empowered to adopt  
9 or retain more stringent standards by ordinances,  
10 laws or regulations provided in this section. Any  
11 less restrictive municipal ordinance, law or regula-  
12 tion establishing standards are invalid and of no  
13 force and suspended by this section.

14 Sec. 2. 14 MRSA §6026, sub-§9 is enacted to  
15 read:

16 9. Lack of Heat. If the landlord fails to com-  
17 ply with the provisions of Title 14, section 6021,  
18 subsection 6, then the purchase of heating oil by the  
19 tenant shall be deemed to be a "cost of compliance"  
20 within the meaning of subsection 2. For tenants on  
21 general assistance, municipalities shall have the  
22 rights of tenants under this subsection.

23 STATEMENT OF FACT

24 The purpose of this bill is to provide specific  
25 warranty of habitability standards and remedies for  
26 tenants who do not receive adequate heat for their  
27 apartments.

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