

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 909

7 H.P. 534

House of Representatives, March 1, 1985

8 On motion of Representative Brannigan of Portland, referred to the
9 Committee on Business and Commerce. Sent up for concurrence and ordered
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Reeves of Pittston.

11 Cosponsored by Representative Swazey of Bucksport.

12 STATE OF MAINE
13

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

17 AN ACT to Clarify the Rights of Tenants in
18 Mobile Home Parks.
19

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

22 Sec. 1. 30 MRSA §4066-B, sub-§1, ¶¶J to N are
23 enacted to read:

24 J. In any action for eviction of a tenant, there
25 shall be a presumption that the action was com-
26 menced in retaliation against the tenant if,
27 within 6 months prior to the commencement of the
28 action, the tenant has complained as an individu-
29 al, or a complaint has been made in his behalf,
30 in good faith, of conditions affecting his dwell-
31 ing unit which may constitute a violation of a
32 building, housing, sanitary or other code, ordi-
33 nance, rule or law, presently or hereafter
34 adopted, to a body charged with enforcement of
35 that code, ordinance, rule or law, or such a body
36 has filed a notice or complaint of such a viola-

tion; or complained in writing or made a written request, in good faith, to the landlord or his agent, to make repairs on the premises, as required by any applicable building, housing or sanitary code, or by this chapter, or as required by the rental agreement between the parties. No tenant may be evicted in the absence of rebuttal of the presumption of retaliation.

K. No tenant may be evicted in retaliation for the tenant's membership in an organization concerned with landlord-tenant relationships.

L. Any property with a total value of \$100 or more that is abandoned or unclaimed by a tenant following the tenant's vacating the mobile home park shall be disposed of according to Title 33, chapter 27. Any property with a total value of less than \$100 abandoned or unclaimed by a tenant following the tenant's vacating the mobile home park shall be placed in storage by the landlord in a safe, dry, secured location for a period of 30 days. If the property remains unclaimed after the 30th day following the vacating of the mobile home park, the landlord shall make all reasonable efforts to contact the tenant, including giving notice to the tenant at his last known address, concerning his intent to dispose of the abandoned property. If the tenant does not respond or cannot be found within a period of 14 days after attempted notice, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages and costs of storage and sale. Any and all remaining balances shall be forwarded to the Treasurer of State.

M. Evictions which are effected without resort to the provisions of this chapter are illegal and against public policy. Illegal evictions include, but are not limited to, the following.

(1) No landlord may willfully cause, directly or indirectly, the interruption or termination of any utility service being supplied to the tenant including, but not limited to, water, heat, light, electricity,

1 gas, telephone, sewerage, elevator or re-
2 frigeration, whether or not the utility ser-
3 vice is under the control of the landlord,
4 except for such temporary interruption as
5 may be necessary while actual repairs are in
6 process or during temporary emergencies.

7 (2) No landlord may willfully seize, hold
8 or otherwise directly or indirectly deny a
9 tenant access to and possession of the
10 premises, other than through proper judicial
11 process.

12 (3) No landlord may willfully seize, hold
13 or otherwise directly or indirectly deny a
14 tenant access to and possession of tenant's
15 property, other than by proper judicial pro-
16 cess.

17 N. Upon a finding that an illegal eviction has
18 occurred, the court shall take one or both of the
19 following actions.

20 (1) The tenant shall recover actual damages
21 or \$100, whichever is greater.

22 (2) The tenant shall recover the aggregate
23 amount of costs and expenses determined by
24 the court to have been reasonably incurred
25 on his behalf in connection with the prose-
26 cution or defense of that action, together
27 with a reasonable amount for attorneys'
28 fees.

29 A court may award attorneys' fees to the defendant
30 if, upon motion and hearing, it is determined that an
31 action filed pursuant to this subsection was not
32 brought in good faith and was frivolous or intended
33 for harassment only. The remedies provided in this
34 section are in addition to any other rights and reme-
35 dies conferred by law.

36 Sec. 2. 30 MRSA §4066-B, sub-§§9 and 10 are en-
37 acted to read:

38 9. Security deposits. The provisions of Title
39 14, chapter 710-A, as amended, shall apply to the
40 rental of mobile home park lots.

1 10. Implied warranty and covenant of
2 habitability. The provisions of Title 14, section
3 6021, as amended, shall apply to the rental of mobile
4 home park lots.

5 Sec. 3. 30 MRSA §4068 is enacted to read:

6 §4068. Discrimination against families with children
7 prohibited

8 1. Discrimination prohibited. It is unlawful
9 and opposed to public policy for any mobile home park
10 owner to have as a condition precedent to the renting
11 of any mobile home lot a requirement as to the number
12 of children that the prospective tenant may have re-
13 siding on the lot. An owner may not discriminate in
14 the price, terms, conditions or privileges of a rental
15 agreement against an individual because the indi-
16 vidual has a child or children who shall occupy the
17 dwelling unit with that person. An owner may refuse
18 to rent a mobile home lot to a family if the size of
19 the family, with children, exceeds the number permit-
20 ted by local zoning or other municipal ordinance or
21 reasonable standards of human health, safety or sani-
22 tation. A landlord subject to this section may set
23 aside not more than 25% of his total number of rental
24 mobile home lots for occupancy by tenants without
25 children by providing notice to the Maine Human
26 Rights Commission designating which specific lots
27 have been set aside for that purpose.

28 2. Publicity. It is unlawful and opposed to
29 public policy for any mobile home park owner subject
30 to this section to list, announce or advertise a va-
31 cancy stating that a person with children may not ap-
32 ply for or rent a given mobile home lot. Any list-
33 ing, announcement or advertisement is prima facie ev-
34 idence of a violation of this section. This subsec-
35 tion does not apply to any mobile home lot set aside
36 for occupancy by tenants without children under sub-
37 section 1.

38 3. Relief. Any violation of this section is un-
39 lawful housing discrimination under Title 5, section
40 4582 and any person aggrieved may assert his rights
41 pursuant to Title 5, chapter 337.

1 4. Reservation of discretionary rights. Not-
2 withstanding any provision of this section, an owner
3 may establish criteria for occupancy that do not con-
4 flict with this section or other applicable laws and
5 may impose limitations on the number of persons occu-
6 pying any rental unit.

7 STATEMENT OF FACT

8 This bill clarifies that the protections present-
9 ly provided to tenants in rental apartments under the
10 Maine Revised Statutes apply equally to tenants occu-
11 pying lots in mobile home parks. These protections
12 include those against illegal or retaliatory evic-
13 tions, in inhabitable conditions, retention of secu-
14 rity deposits and discrimination against families
15 with children.

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