

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2113

6  
7 H.P. 1500

House of Representatives, March 3, 1986

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Legal Affairs suggested and ordered  
printed.

EDWIN H. PERT, Clerk

Presented by Representative Connolly of Portland.

11 Cosponsored by Senator Trafton of Androscoggin.

12 STATE OF MAINE  
13

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

17 AN ACT Regarding Family Housing.  
18

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

21 Sec. 1. 5 MRSA §4582, 5th ¶, as amended by PL  
22 1983, c. 437, §2, is further amended to read:

23 For any person furnishing rental premises or pub-  
24 lic accommodations to refuse to rent or impose dif-  
25 ferent terms of tenancy to any individual who is a  
26 recipient of federal, state or local public assist-  
27 ance, including medical assistance and housing subsi-  
28 dies solely because of such individual's status as  
29 such recipient; or

30 Sec. 2. 5 MRSA §4592, last ¶, as repealed and  
31 replaced by PL 1975, c. 770, §39, is amended to read:

32 For any person to directly or indirectly publish,  
33 circulate, issue, display, post or mail any written,  
34 printed, painted or broadcast communication, notice

1 or advertisement, to the effect that any of the ac-  
2 commodations, advantages, facilities and privileges  
3 of any place of public accommodation shall be re-  
4 fused, withheld from or denied to any person on ac-  
5 count of race or color, sex, physical or mental hand-  
6 icap, religion, ancestry or national origin, or that  
7 the patronage or custom thereof of any person belong-  
8 ing to or purporting to be of any particular race or  
9 color, sex, physical or mental handicap, religion,  
10 ancestry or national origin is unwelcome, objection-  
11 able or not acceptable, desired or solicited, or that  
12 the clientele thereof is restricted to members of  
13 particular races or colors, sexes, physical or mental  
14 handicap, religions, ancestries or national origin.  
15 The production of any such written, printed, painted  
16 or broadcast communication, notice or advertisement,  
17 purporting to relate to any such place, shall be pre-  
18 sumptive evidence in any action that the same was au-  
19 thorized by its owner, manager or proprietor; or

20 Sec. 3. 5 MRSA §4592, as repealed and replaced  
21 by PL 1975, c. 770, §39, is amended by adding at the  
22 end a new paragraph to read:

23 For any person, who is the owner, lessee, propri-  
24 etor, manager, superintendent, agent or employee of  
25 any public accommodation for lodging, to directly or  
26 indirectly refuse or withhold from or deny to any  
27 person that lodging on the grounds that the person  
28 has a child or children who will occupy the unit, un-  
29 less the size of the family would exceed the number  
30 permitted by local ordinances or reasonable standards  
31 relating to health, safety or sanitation.

32 Sec. 4. 14 MRSA §6001, sub-§2, as enacted by PL  
33 1981, c. 428, §1, is amended to read:

34 2. Persons who may not maintain process. The  
35 process of forcible entry and detainer shall may not  
36 be maintained against a tenant by a 3rd party lessee,  
37 grantee, assignee or donee of the tenant's premises,  
38 if the primary purpose of any conveyance to such les-  
39 see, assignee, grantee or donee is to accomplish  
40 eviction of the tenant unless the tenancy has been  
41 terminated in accordance with section 6002 by either  
42 the grantor or grantee of the conveyance.

1       Sec. 5. 14 MRSA §6001, sub-§3, ¶C, as enacted by  
2 PL 1981, c. 428, §1, is amended to read:

3       C. Complained in writing or made a ~~written~~ an  
4 oral request, in good faith, to the landlord or  
5 his agent to make repairs on the premises as re-  
6 quired by any applicable building, housing or  
7 sanitary code, or by section 6021, or as required  
8 by the rental agreement between the parties.

9       Sec. 6. 14 MRSA §6024, as enacted by PL 1981, c.  
10 176, is amended to read:

11 §6024. Electric metering in common areas

12       No landlord may lease or offer to lease a dwell-  
13 ing unit in a multi-unit residential building where  
14 the expense of furnishing electricity to the common  
15 areas or other area not within the unit is the sole  
16 responsibility of the tenant in that unit, unless  
17 both parties to the lease have agreed in writing that  
18 the tenant will pay for such costs in return for a  
19 stated reduction in rent or other specified fair con-  
20 sideration that approximates the actual cost of elec-  
21 tricity to the common areas. "Common areas" include,  
22 but are not limited to, hallways, stairwells, base-  
23 ments, attics, storage areas ~~or~~, fuel furnaces or wa-  
24 ter heaters used in common with other tenants. Ex-  
25 cept as provided in this section, a written or oral  
26 waiver of this requirement is against public policy  
27 and is void. Any person in violation of this section  
28 is liable to the lessee for actual damages or \$100,  
29 whichever is greater, and reasonable attorneys' fees  
30 and costs.

31                               STATEMENT OF FACT

32       As part of an overall strategy to deal with a se-  
33 vere housing crisis facing low and moderate income  
34 families, this bill provides tenant protection in 5  
35 specific areas.

36       Section 1 clarifies the protection from discrimi-  
37 nation on the grounds the family receives public as-  
38 sistance.

1       Section 3 extends the present protection from  
2       discrimination in housing on the grounds of having  
3       children to public accommodations for lodging.

4       Section 4 provides for sufficient notice of evic-  
5       tion in cases where apartment buildings are sold.

6       Section 5 strengthens the prohibition against re-  
7       taliatory evictions in cases where tenants have com-  
8       plained of substandard conditions.

9       Section 6 clarifies that tenants may not be  
10      charged for electricity used by other tenants.

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