

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 630

H.P. 465

House of Representatives, March 6, 1989

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

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative GWADOSKY of Fairfield.
Cosponsored by Senator MATTHEWS of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Establish Mediation for Mobile Home Park Operators and
Tenants.



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

3 10 MRSA §§9097-A and 9097-B are enacted to read:

5 §9097-A. Dispute settlement

7 1. Board duties. The Court Mediation Service shall provide
9 mediators and arbitrators to conduct mediation or arbitration
according to this section and section 9097-B.

11 2. Mediation or arbitration not binding; review. Any
13 mediation or arbitration is not binding unless the parties agree
15 otherwise in writing. When the parties have not agreed to be
bound by the result of the mediation or arbitration, a party may
seek a trial de novo in a court of competent jurisdiction.

17 3. Not final agency action. No resolution arising from a
19 dispute settlement proceeding as provided in this section may be
deemed final agency action.

21 4. Cost paid by parties. The cost of mediation or
23 arbitration shall be paid equally by the parties, except, upon
25 proof by a party of its inability to pay, the Court Mediation
Service may waive the cost of mediation or arbitration for that
party.

27 §9097-B. Lot rental increases; reduction in services or
29 utilities; change in rules; mediation or arbitration

31 1. Notice of changes. A park owner shall give written
33 notice to each affected mobile home owner and the board of
35 directors of the homeowners' association, if one has been formed,
at least 90 days prior to any change in lot rental amount or
reduction in services or utilities provided by the park owner or
change in park rules, including fees, assessments and charges.

37 A. The notice must identify all affected mobile home
39 owners, which may be by lot number, name, group or phase.
41 If the affected mobile home owners are not identified by
name, the park owner shall make the names and addresses
43 available to any mobile home owner or homeowners'
association upon request.

45 B. Rules adopted as a result of restrictions imposed by
47 governmental entities and required to protect the public
health, safety and welfare may be enforced before the
49 expiration of the 90-day period but are not otherwise exempt
from the requirements of this subchapter.

51 2. Content of notice. Notice as required by this section
shall include the change in lot rental amount, services or

1 utilities provided by the park owner, or park rules, including
3 changes in amounts of fees, assessments and charges, and the
effective date of the change.

5 3. Meeting with mobile home owners and park owner upon
7 request. A committee, not to exceed 5 in number, designated by a
9 majority of the affected mobile home owners or the board of
11 directors of the homeowners' association, if applicable, may
request a meeting with the park owner or the park owner's
representative to discuss reasons for the change. The park
owner or the park owner's representative shall meet to discuss
the change upon request.

13 4. Request for mediation of change. Within 15 days after
15 the date of the meeting requested under subsection 3, the
17 committee representing the mobile home owners or the board of
19 directors of the homeowners' association may designate in writing
to the park owner that the change is unreasonable and request
that the dispute be submitted to mediation under section 9097-A.

21 5. Arbitration upon agreement by parties. If, before,
23 during or after mediation, both parties agree in writing, they
may submit the dispute to arbitration.

25 6. No court action until mediation process followed, except
27 upon failure to participate in meeting or mediation. Except as
29 provided in paragraph A, no action relating to a dispute
31 described in this section may be filed in any court until a
request for mediation or arbitration has been submitted to the
Court Mediation Service and the request has been processed in
accordance with section 9097-A.

33 A. If the park owner refuses to attend a meeting requested
35 under subsection 3, the committee of mobile home owners or
37 the board of directors of the homeowners' association may
file a complaint in court. Failure of the park owner to
participate in the meeting or mediation may be admissible in
court if it is relevant to the issues of the court action.

39 7. Failure to participate; change suspended. If a park
41 owner fails to participate in a meeting requested under
43 subsection 3 or in mediation requested under subsection 4, the
park owner shall not implement the change proposed in the notice
of change.

45 8. Evictions due to park change in use, renovations or
47 reconstructions. Any tenant who receives a notice of eviction
49 under section 9097, subsection 1, paragraph G, due to renovations
or reconstruction of the park, may request a meeting with the
51 park owner under subsection 3 and mediation under subsection 4.
The park owner shall participate in the meeting or

1 mediation if requested. If the parties agree, they may submit
3 the dispute to arbitration.

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STATEMENT OF FACT

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This bill establishes a mediation system to be used to mediate and arbitrate disputes between mobile home park owners and tenants. Currently, the only mechanism available to tenants to resolve disputes concerning rent increases, park rules and other management procedures which seem unreasonable or unlawful is to file a court action. Mediation will provide a less expensive, less time consuming option. In addition, mediation may provide more responsive results than a court action.

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