

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 839, L.D. 1205, Bill, "An Act Concerning Landlord-tenant Contracts of Adhesion"

Amend the bill by striking the title and substituting the following:

'An Act Concerning Landlord-tenant Contracts'

Further amend the bill in section 1 in that part designated "§9097-A." in subsection 1 in the 3rd and 4th lines (page 1, lines 9 and 10 in L.D.) by striking out the following: "landlord to require a tenant to enter into a rental agreement in which the tenant agrees to a lease or rule provision" and inserting in its place the following: 'park owner or operator to use a rental agreement or rule'

Further amend the bill in section 1 in that part designated "§9097-A." in subsection 1 in the 5th line (page 1, line 11 in L.D.) by inserting after the following: "and" the following: 'if applicable to mobile home park tenants.'

Further amend the bill in section 1 in that part designated "§9097-A." in subsection 1 in the last line (page 1, line 14 in L.D.) by striking out the following: "landlord" and inserting in its place the following: 'park owner or operator'

Further amend the bill in section 1 in that part designated "§9097-A." in subsection 2 in the first line (page 1, line 16 in L.D.) by striking out the following: "2. Contracts of adhesion." and inserting in its place the following: '2. Unenforceable provisions.'

Further amend the bill in section 1 in that part designated "§9097-A." in subsection 2 in the 2nd line (page 1, line 17 in L.D.) by striking out the following: "declared to be contracts of adhesion" and inserting in its place the following: 'specifically declared to be unenforceable'

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2 Further amend the bill in section 1 in that part designated
3 "§9097-A." in subsection 2 by striking out all of paragraphs A
4 and B (page 1, lines 20 to 32 in L.D.) and inserting in their
5 place the following:

6 'A. Any provision that absolves the park owner or operator
7 from liability for the negligence of the park owner or
8 operator or the agent of the park owner or operator;

10 B. Any provision that requires the tenant to pay the legal
11 fees of the park owner or operator in enforcing the rental
12 agreement;'

14 Further amend the bill in section 1 in that part designated
15 "§9097-A." in subsection 2 in paragraph C in the last line (page
16 1, line 37 in L.D.) by striking out the following: "landlord"
17 and inserting in its place the following: 'park owner or
18 operator'

20 Further amend the bill in section 2 in that part designated
21 "§6030." in subsection 2 in the first line (page 2, line 4 in
22 L.D.) by striking out the following: "2. Contracts of
23 adhesion." and inserting in its place the following: '2.
24 Unenforceable provisions.'

26 Further amend the bill in section 2 in that part designated
27 "§6030." in subsection 2 in the 2nd and 3rd lines (page 2, lines
28 5 and 6 in L.D.) by striking out the following: "contracts of
29 adhesion" and inserting in its place the following:
30 'unenforceable'

32 Further amend the bill in section 2 in that part designated
33 "§6030." in subsection 2 in paragraph B in the last 2 lines (page
34 2, lines 12 and 13 in L.D.) by striking out the following:
35 "agreement unless that provision also requires that:" and
36 inserting in its place the following: 'agreement;'

38 Further amend the bill in section 2 in that part designated
39 "§6030." in subsection 2 in paragraph B by striking out all of
40 subparagraphs (1) and (2) (page 2, lines 15 to 20 in L.D.)

42 Further amend the bill in section 2 in that part designated
43 "§6030." in subsection 2 in paragraph C in the 2nd and 3rd lines
44 (page 2, lines 23 and 24 in L.D.) by striking out the following:
45 ", including a tenant's mobile home."

48 Further amend the bill by inserting before the statement of
49 fact the following:

50 'Sec. 3. Effective date; application. This Act takes effect
51 November 1, 1991 and applies to rental agreements entered into or
52 renewed on or after November 1, 1991.

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FISCAL NOTE

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This bill creates new unfair trade practices when landlords or mobile home park owners and operators require tenants to enter into rental agreements in which the tenant gives up tenant rights required by state law, or grants unfair concessions to the landlord. The additional work load and administrative costs associated with a minimal number of new cases filed in District Court as a result of the violation and the new cases filed in Superior Court by the Attorney General for injunctive relief will be absorbed within the budgeted resources of the Judicial Department.

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The Department of the Attorney General will absorb the costs of filing complaints within its budgeted resources.'

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STATEMENT OF FACT

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The amendment clarifies the application of the bill to bile home parks and prohibits rental agreement provisions requiring tenants to pay the landlord's legal fees regardless of the term of the provision. The amendment also makes the bill applicable only to agreements entered into or renewed on or after November 1, 1991 and adds a fiscal note.

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the House
(5/22/91) (Filing No. H-396)