

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1778

H.P. 1220

House of Representatives, May 3, 1991

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 CATHCART of Orono.

Cosponsored by Representative LAWRENCE of Kittery and Representative O'DEA of Orono.

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STATE OF MAINE

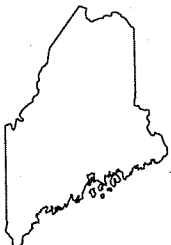
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Ensure Fairness to Tenants.

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

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428, §10, are amended to read:

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1. **Prohibition of dangerous conditions; maintenance of basic necessities.** No A landlord leasing premises for human habitation may not maintain or permit to exist on those premises any condition which that endangers or materially impairs the health or safety of the tenants. A landlord must maintain in good working condition the following: sufficient electrical service; adequate plumbing; basic heat as required in section 6021, subsection 6; and a refrigerator and stove, if provided at the beginning of the lease. A landlord must also maintain the premises in a condition that meets all applicable municipal fire and safety codes.

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2. **Tenant action if landlord fails to act.** If a landlord fails to maintain a rental unit in compliance with the standards of subsection 1 and the reasonable cost of compliance is less than \$100 \$1,000 or an amount equal to 1/2 the monthly rent, whichever is greater, the tenant shall notify the landlord in writing of his the tenant's intention to correct the condition at the landlord's expense. If the landlord fails to comply within 14 days after being notified by the tenant, or as promptly as conditions require in case of emergency, the tenant may cause the work to be done in a workmanlike professional manner with the same quality of materials as are being repaired. Installation and servicing of electrical, oil burner or plumbing equipment shall must be by a professional licensed pursuant to Title 32. After submitting to the landlord an itemized statement, the tenant may deduct from his the tenant's rent the actual and reasonable cost or the fair and reasonable value of the work, not exceeding the amount specified in this subsection.

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Sec. 2. 14 MRSA §6026, sub-§10 is enacted to read:

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4. **Alternative to repair.** If the landlord fails to comply with the standards of subsection 1 within 14 days after receiving notice from a tenant under subsection 2, the tenant may send a notice in writing to the landlord of the tenant's intent to vacate the rental unit if the landlord fails to comply. If the landlord fails to comply within 14 days after being notified under this subsection, the tenant may vacate the rental unit without penalty.

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STATEMENT OF FACT

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This bill increases a tenant's options when a landlord fails to correct a dangerous condition in the rental unit. Under

current law, a tenant may give a landlord notice of the  
condition, and if the landlord fails to correct the condition  
within 14 days, the tenant may have the repairs performed and  
deduct the amount of the work from rent, to a maximum of \$100 or  
1/2 the monthly rent, whichever is greater. This bill increases  
the \$100 to \$1,000, expands the types of conditions that give the  
tenant a right to repair and deduct and permits the tenant to  
vacate the rental unit without penalty if the landlord fails to  
repair the condition after a 2nd 14-day notice.

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