

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2024

H.P. 1412

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 DiPIETRO of South Portland.

STATE OF MAINE

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

An Act to Clarify the Law Governing Contracts of Adhesion.

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

2
3 14 MRSA §6030, as enacted by PL 1991, c. 361, §2 and
4 affected by §3, is amended to read:

6 **§6030. Unfair rental contracts**

8 1. **Illegal waiver of rights.** It is an unfair and deceptive
9 trade practice in violation of Title 5, section 207 for a
10 landlord to require a tenant to enter into a rental agreement for
11 a dwelling unit, as defined in section 6021, in which the tenant
12 agrees to a lease or rule provision that has the effect of
13 waiving a tenant right established in chapter 709, this chapter
14 and chapter 710-A. This subsection does not apply when the law
15 specifically allows the tenant to waive a statutory right during
16 negotiations with the landlord.

18 2. **Unenforceable provisions.** The following rental
19 agreement or rule provisions for a dwelling unit, as defined in
20 section 6021, are specifically declared to be unenforceable and
21 in violation of Title 5, section 207:

22 A. Any provision that absolves the landlord from liability
23 for the negligence of the landlord or the landlord's agent;

26 B. Any provision that requires the tenant to pay the
27 landlord's legal fees in enforcing the rental agreement;

28 C. Any provision that requires the tenant to give a lien
29 upon the tenant's property for the amount of any rent or
30 other sums due the landlord; and

32 D. Any provision that requires the tenant to acknowledge
33 that the provisions of the rental agreement, including
34 tenant rules, are fair and reasonable.
36

38 **STATEMENT OF FACT**

40 The bill specifies that the protections of the law regarding
41 unfair rental contacts apply only to residential property for
42 human habitation and not to commercial leases or rental
43 agreements.
44