

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

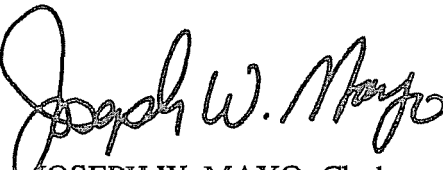
No. 760

H.P. 563

House of Representatives, March 2, 1993

An Act to Require Additional Landlord Disclosures.

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.
Reference to the Committee on Legal Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BOWERS of Washington.
Cosponsored by Representatives: GWADOSKY of Fairfield, LEMKE of Westbrook.

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

2
4 Sec. 1. 10 MRSA §9097, sub-§2, ¶B, as amended by PL 1989, c. 652, is further amended to read:

6 B. The park owner entitled under subsection 1 to the mobile
8 home space giving at least 45 days' notice of termination in
10 writing to the tenant. If the landlord or the landlord's
12 agent has made at least 3 witnessed good faith efforts made
14 on 3 separate days to serve the tenant, service may be
accomplished by both mailing the notice by first class mail
to the tenant's last known address and by leaving the notice
at the tenant's space in the park.

16 (1) In cases where the reason for eviction is
18 nonpayment of rent, the tenancy may be terminated by 30
20 days' notice given in the same manner provided that the
22 notice for eviction contains notice of the amount owed
and a statement indicating that the tenant can negate
the effect of the notice of termination as it applies
to rent arrearage if the tenant pays the full amount of
rent due before the expiration of the notice.

24 (2) In cases in which the reason for eviction is one
26 listed in subsection 1, paragraph B, C, D, E, H or I,
28 the 45 days' notice of termination must refer to
30 relevant provisions of the lease or mobile home park
rules and must state the reasons for the termination
with enough specificity to enable the tenant to prepare
a response.

32 Sec. 2. 14 MRSA §6002, sub-§2, as amended by PL 1981, c. 428,
34 §3, is further amended to read:

36 2. Ground for termination notice. Any notice of termination
38 issued pursuant to subsection 1 shall must indicate the specific
40 ground claimed for issuing the notice. If a ground claimed is
42 rent arrearage of 14 days or more, the notice shall must also
44 include a statement indicating the amount of the rent that is 14
days or more in arrears and that the tenant can negate the effect
of the notice of termination as it applies to rent arrearage if
he the tenant pays the full amount of rent due arrearage before
the expiration of the notice.

46 Sec. 3. 14 MRSA §6010-A, sub-§5 is enacted to read:

48 5. Availability of remedy. The remedies set forth in this
50 section for a tenant-at-will's failure to provide the landlord
with 30 days' notice before terminating the tenancy are available
52 only if the landlord provided the tenant in writing a disclosure
that the tenancy can be terminated by giving the landlord at
least 30 days' notice from the date the rent is due or else the

2 tenant will owe the landlord for that final month's rent. This
4 notice must also disclose the landlord's obligation to mitigate
6 the landlord's damages by attempting to rerent the premises. If
8 a landlord fails to provide this notice, the landlord may not
10 seek payment or withhold the tenant's security deposit to recover
12 the final month's rent.

10 STATEMENT OF FACT

12 This bill requires landlords to provide tenants with
14 increased disclosure of their rights and obligations. The bill
16 requires mobile home park owners attempting to evict tenants
18 under certain provisions of the law to state the reasons for the
20 terminations with sufficient specificity to enable the tenants to
22 prepare responses.

18 This bill also requires landlords to disclose to
20 tenants-at-will that their tenancies are improperly terminated
22 unless they give the landlord a full 30 days' notice from the
24 date the rent is due. If the landlord fails to give to the
tenant this notice in writing, then the landlord can not seek
payment for the final month's rent.

26 This bill also requires landlords when serving tenants with
28 termination notices because they are more than 14 days in arrears
in their rent to include in that notice the actual amount the
tenant is behind in rent payments.