

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2037

S.P. 715

In Senate, March 24, 1999

An Act to Revise the Lienholder Notification Law.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

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

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Sec. 1. 10 MRSA §9093, sub-§4, as enacted by PL 1995, c. 365, §1, is amended to read:

4. **Rental payments.** A mobile home park owner or operator may establish a park rule to require that all rental payments and other fees due to the mobile home park owner or operator be paid in full before the home is removed from the park, sold or occupied by a new tenant or owner. If the owner or occupant is a lienholder who has informed the mobile home park owner or operator of its lien on the home pursuant to section 9097, subsection 2-A 2-B, the terms of that subsection apply.

Sec. 2. 10 MRSA §9097, sub-§2-A, as enacted by PL 1995, c. 365, §2, is repealed.

Sec. 3. 10 MRSA §9097, sub-§2-B is enacted to read:

2-B. Responsibilities of park operator and lienholder. The responsibilities of the mobile home park operator and the holder of a lien on the tenant's mobile home are as follows.

A. In the event the park operator moves to evict a tenant and there is a lien on the tenant's home, if the holder of the lien has provided the park operator with a notice of the lien and the notice includes the lienholder's mailing address, then prior to evicting the tenant who resides in that mobile home, the park operator shall give notice of the eviction in writing by certified mail to the lienholder at the time the park operator serves the tenant with a notice to quit. Following receipt of this notice from the park operator, the lienholder shall:

(1) Declare, in writing and by certified mail, to the park operator that the lienholder intends to take possession of the mobile home and assume tenancy in the park. The lienholder shall pay to the park operator:

(a) Any arrearage for rent and other recurring monthly fees owed the park operator by the tenant at the time of issuance of the notice to quit;

(b) Rent and other charges that become due subsequent to issuance of the notice to quit. Rent and charges imposed pursuant to this division may not exceed 3 months of those rents and charges; and

2 (c) Rent and other charges that become due
3 subsequent to the issuance of a forcible entry and
4 detainer or, if no forcible entry and detainer is
5 issued, following abandonment by the tenant or
6 possession of the home by the lienholder; or

7 (2) Declare, in writing and by certified mail, to the
8 park operator that the lienholder intends to take
9 possession of the mobile home but not assume tenancy in
10 the park. The lienholder also shall:

11 (a) Pay to the park operator any arrearage for
12 rent and other recurring monthly fees owed the
13 park operator by the tenant at the time of
14 issuance of the notice to quit; and

15 (b) Remove the mobile home from the mobile home
16 park.

17 The arrearage for which the lienholder is responsible may
18 not exceed 3 months rent and recurring fees.

19 B. In the event that the holder of a lien on a mobile home
20 in a mobile home park intends to repossess that home, the
21 holder of the lien shall provide the park operator with a
22 notice that it holds a lien, which notice must include the
23 lienholder's mailing address and shall:

24 (1) Give notice in writing and by certified mail to
25 the park operator of the lienholder's intent to
26 repossess and that the lienholder intends to leave the
27 mobile home in the park and assume tenancy in the
28 park. The lienholder also shall pay to the park
29 operator any arrearage for rent and other recurring
30 monthly fees owed the park operator by the tenant at
31 the time it takes possession of the mobile home and all
32 rent and other charges that become due subsequent to
33 the time it takes possession of the mobile home; or

34 (2) Give notice in writing and by certified mail to
35 the park operator of the lienholder's intent to
36 repossess and that it does not intend to leave the
37 mobile home nor assume tenancy in the park. The
38 lienholder also shall pay to the park operator any
39 arreage for rent and other recurring monthly fees
40 owed the park operator by the tenant at the time it
41 takes possession of the mobile home and all rent and
42 other charges that become due subsequent to the time it
43 takes possession of the mobile home until the

2 lienholder physically removes the mobile home from the
3 park.

4 The arrearage for which the lienholder is responsible may
5 not exceed 3 months rent and other recurring fees.

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7 Notwithstanding this subsection, the lienholder and the park
8 operator may agree to an alternative arrangement if they so
9 choose.

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SUMMARY

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15 This bill establishes the rights and responsibilities of
16 mobile home park operators and of those persons who hold liens on
17 homes occupying lots in mobile home parks when either the park
18 operator is attempting to evict the tenant who occupies the home
 or when the lienholder is attempting to repossess the home.