



## **120th MAINE LEGISLATURE**

## **SECOND REGULAR SESSION-2002**

Legislative Document

No. 2100

H.P. 1599

House of Representatives, February 5, 2002

An Act to Implement the Majority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands.

Reported by Representative JONES for the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands pursuant to Joint Order 2001, H.P. 1391.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 218.

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MILLICENT M. MacFARLAND, Clerk

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 14 MRSA c. 710-D is enacted to read:
4	CHAPTER 710-D
6	BUILDINGS ON LEASED LOTS
8	§6047. Application
10	1. Parties to agreement; purposes of agreement. This
12	chapter applies to agreements between:
14	A. A person, referred to in this chapter as the "lessor," who owns land in territory under jurisdiction of the Maine
16	Land Use Regulation Commission; and
18	B. A person, referred to in this chapter as the "lessee," who intends to construct or to occupy a structure or
20	structures on land in territory under jurisdiction of the Maine Land Use Regulation Commission for recreational or
22	residential purposes on a seasonal or year-round basis or to operate a business consisting of a commercial sporting camp,
24	campground or retail store.
26	2. Prospective application. This chapter applies to
28	<u>agreements entered into or renewed on or after the effective date</u> of this chapter.
30	§6048. Required terms of agreement
32	1. Written lease; description of leased premises required.
34	An agreement described in section 6047 must be made in the form of a written lease and must include a description of the
36	boundaries of the land to be leased.
38	2. Required notice of change, termination or nonrenewal; time allowed for removal of structures. The following provisions
40	govern the notice required for a change, termination or nonrenewal of a lease and the time allowed for removal of
42	<u>structures.</u>
44	A. A lessor must give a lessee at least 90 days' notice of a change in terms of the lease.
46	B. A lessor must give a lessee at least 90 days' notice of
48	termination or nonrenewal of the lease, unless there is cause for the termination or nonrenewal.
50	C. Unless the lease is terminated or not renewed for cause, a lessee has one year or the time specified in the lease,

whichever is longer, to remove structures from the leased 2 lot.

- 4 D. For purposes of this subsection, "cause" means violation by the lessee of a term of the lease.
- 3. Right of first refusal to purchase leased lot. If a
  8 lessor intends to sell or to offer for sale one or more lots on
  which a structure owned by a lessee exists, the lessee has the
  10 right to purchase the lot at fair market value or the price at
  which the lessor intends to offer or sell the lot, whichever is
  12 lower. The lessor must give the lessee at least 90 days to
  accept the offer to purchase the lot.
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4. Lack of required terms. A lease is deemed to include
 the provisions required by this chapter.

## SUMMARY

This bill includes the majority recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. It proposes to regulate the relationship between landowners within jurisdiction of the Maine Land Use Regulation Commission and persons who have leases or other agreements with the landowners to occupy or construct residential, recreational or commercial structures on that land.

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The bill requires that such agreements be made in the form of written leases. It requires the leases to provide a description of the boundaries of the leased land and to provide at least 90 days' notice of termination, nonrenewal or change in terms of the lease. It also requires the landowner to give the structure owner at least one year to remove the structure from the property if the lease is terminated or not renewed, unless it is terminated or not renewed for cause.

38 The bill also gives the lessees the right of first refusal to purchase the lot on which the structure sits, provided the 40 lessor offers or intends to offer the lot for sale.

42 The minority recommendations of the committee include these provisions and an additional provision to provide for continuity 44 of commercial sporting camp leases.