

MAINE STATE LEGISLATURE

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Date: 4/27/9

LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 352, L.D. 497, Bill, "An Act To Conserve Energy in Residential Leasehold Tenancies"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 14 MRSA §6021, sub-§6-A is enacted to read:

6-A. Agreement regarding provision of heat. A landlord and tenant under a lease or a tenancy at will may enter into an agreement for the landlord to provide heat at less than 68 degrees Fahrenheit. The agreement must:

A. Be in a separate written document, apart from the lease, be set forth in a clear and conspicuous format, readable in plain English and in at least 12-point type, and be signed by both parties to the agreement;

B. State that the agreement is revocable by either party upon reasonable notice under the circumstances;

C. Specifically set a minimum temperature for heat, which may not be less than 62 degrees Fahrenheit; and

D. Set forth a stated reduction in rent that must be fair and reasonable under the circumstances.

An agreement under this subsection may not be entered into or maintained if a person over 65 years of age or under 5 years of age resides on the premises. A landlord is not responsible if a tenant who controls the temperature on the premises reduces the heat to an amount less than 68 degrees Fahrenheit as long as the landlord complies with subsection 6, paragraph B or if the tenant fails to inform the landlord that a person over 65 years of age or under 5 years of age resides on the premises.'

SUMMARY

This amendment replaces the bill. The amendment allows a landlord and tenant to agree for the landlord to provide heat at less than 68 degrees Fahrenheit but no lower than

COMMITTEE AMENDMENT

RWS

1 62 degrees Fahrenheit if the agreement is in a separate written document, includes a
2 provision for revocation with reasonable notice by either party and provides for a fair and
3 reasonable reduction in rent. The amendment clarifies that a landlord and tenant may not
4 enter into such an agreement if someone older than 65 years of age or younger than 5
5 years of age resides on the premises.

COMMITTEE AMENDMENT