MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)





124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 983

S.P. 366

In Senate, March 12, 2009

An Act To Reduce the Risk of Hypothermia in Residential Rental Units

(EMERGENCY)

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator SULLIVAN of York.
Cosponsored by Representative TRINWARD of Waterville and
Senators: BLISS of Cumberland, COURTNEY of York, MARRACHÉ of Kennebec,
PLOWMAN of Penobscot, Representatives: BEAULIEU of Auburn, CAMPBELL of
Newfield, CONNOR of Kennebunk, MILLER of Somerville, NASS of Acton, PENDLETON
of Scarborough, PERRY of Calais, PRIEST of Brunswick, RUSSELL of Portland, SANBORN
of Gorham, TUTTLE of Sanford, VALENTINO of Saco.

Emergency preamble. Whereas, acts and resolves of the Legislature do not 1 become effective until 90 days after adjournment unless enacted as emergencies; and 2 3 Whereas, the costs of heating oil and economic difficulties have resulted in a 4 reduction in the heat and heating fuel supplied by certain landlords to their tenants; and 5 Whereas, there is an immediate need to clarify a landlord's legal responsibility to a 6 tenant with respect to heating requirements; and 7 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as 8 9 immediately necessary for the preservation of the public peace, health and safety; now, 10 therefore, be it Be it enacted by the People of the State of Maine as follows: 11 Sec. 1. 14 MRSA §6021, sub-§6, ¶B, as enacted by PL 1983, c. 764, §1, is 12 amended to read: 13 The dwelling unit's heating facilities are not capable of maintaining do not 14 maintain a minimum temperature of at least 68 degrees Fahrenheit at a distance of 3 15 16 feet from the exterior walls, 5 feet above floor level at an outside temperature of 17 minus 20 degrees Fahrenheit; or 18 Emergency clause. In view of the emergency cited in the preamble, this 19 legislation takes effect when approved. 20 **SUMMARY** 21 The purpose of this bill is to reduce the risk of serious illness caused by exposure to 22 cold conditions by clarifying the obligation to provide heat to residential rental units. 23 Current law provides that it is a breach of the implied warranty of fitness for human 24 habitation when a dwelling unit's heating facilities are not capable of maintaining a 25 minimum temperature of at least 68 degrees Fahrenheit. This bill provides instead that it 26 is a breach of the implied warranty when the dwelling unit's heating facilities do not

27

maintain that minimum temperature.