

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 681

S.P. 268

In Senate, March 4, 2021

**An Act Clarifying the Removal Process of Individuals from Certain
Facilities Not Governed By Title 14 of the Maine Revised Statutes**

Received by the Secretary of the Senate on March 2, 2021. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.

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

2 **Sec. 1. 30-A MRSA §3801, sub-§1**, as amended by PL 2013, c. 209, §1, is further
3 amended to read:

4 **1. Innkeeper.** "Innkeeper" means a person who keeps an inn, hotel or motel to provide
5 lodging to travelers and others for compensation and who maintains the sleeping
6 accommodations. ~~An innkeeper is not a landlord pursuant to the landlord and tenant laws~~
7 ~~as provided in Title 14.~~

8 **Sec. 2. 30-A MRSA §3803** is enacted to read:

9 **§3803. Guests are not tenants; lodging facility owners are not landlords**

10 **1. Not a landlord.** An innkeeper, lodging house keeper, boardinghouse keeper,
11 rooming house keeper, restaurant owner or campground operator is not a landlord under
12 the landlord and tenant laws in Title 14 but is subject to the provisions of this subchapter.

13 **2. Not a tenant.** A guest of an inn, hotel, motel, lodging house, boardinghouse,
14 rooming house, restaurant or campground is not a tenant under the landlord and tenant laws
15 in Title 14 but is subject to the provisions of this subchapter.

16 **3. License as proof.** A license issued by a licensing board under this chapter to an
17 inn, hotel, motel, lodging house, boardinghouse, rooming house, restaurant or campground
18 is considered conclusive proof of the facility's standing as such for purposes of determining
19 whether a guest and lodging facility relationship exists for purposes of removal procedures
20 under this subchapter and not a landlord and tenant relationship for purposes of forcible
21 entry and detainer procedures under Title 14.

22 **Sec. 3. 30-A MRSA §3821, sub-§1**, as amended by PL 2013, c. 209, §2, is further
23 amended to read:

24 **1. Register of guests.** Every person conducting a hotel or lodging house shall have a
25 register kept and maintained in the hotel or lodging house at all times. The name of every
26 guest or person renting a room or rooms in the hotel or lodging house must be written in
27 the register. The person renting the room or rooms, or someone under that person's
28 direction, shall sign the register. The proprietor of the hotel or lodging house, or the
29 proprietor's agent, shall then write the number of each room assigned to each guest, together
30 with the date that room is rented, opposite the name or names so registered. ~~A guest of a~~
31 ~~hotel or lodging house is not a tenant pursuant to the landlord and tenant laws as provided~~
32 ~~in Title 14.~~

33 **SUMMARY**

34 This bill clarifies that lodging facilities and their guests do not have a landlord and
35 tenant relationship and that removal of a guest is not subject to the forcible entry and
36 detainer procedures under the Maine Revised Statutes, Title 14.