

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 1242

NEW DRAFT OF H. P. 1504—L. D. 1218

H. P. 1527

House of Representatives, July 18, 1946

Reported by Mr. Perkins from the Committee on Judiciary and printed
direction of the Clerk of the House pursuant to Joint Order.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SIX

AN ACT Relating to Control of Rentals.

Emergency preamble. Whereas, by the expiration on June 30, 1946 of the federal law, rents fixed under said act by the office of price administration for dwelling houses, apartments, flats and rooms in rooming houses and hotels became free from the control thereof by the office of price administration; and

Whereas, an emergency has been created by the lapse of said act due to the acute shortage of dwelling houses, housing accommodations and hotel accommodations, which emergency has been created by war, the effects of war and the aftermath of hostilities, and congestion by returning veterans and their families; and

Whereas, rentals have been increased and occupants have been threatened to be removed from their present abodes unless they agree to pay such increase in rent; and

Whereas, it is necessary to prevent exactions of unjust, unreasonable and oppressive rents and to forestall profiteering, speculations and manipulative practices to obtain such increase or removal of tenants by owners of housing and rooming accommodations; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16, part third, article IV of the constitution of Maine as enacted by article XXXI, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Control. All persons, partnerships, associations and corporations, either as owners or in control of dwelling houses, apartment houses, flats, rooms, rooming houses and hotel rooms, are hereby prohibited from demanding or receiving for rents or accommodations therein rentals more than 15% in excess of that paid or charged on June 30, 1946.

Sec. 2. Stay of writ of possessions. In all cases of forcible entry and detainer brought under the provision of chapter 109 of the revised statutes of 1944, and acts additional thereto and amendatory thereof, the judge of the court may stay the issuance of the writ of possession from time to time, the total period not to exceed 30 days from the date when the plaintiff is entitled to said writ of possession.

Sec. 3. Redress. Any tenant who has been charged or has paid rentals in excess of the rate as established by the provisions of section 1 shall have the right to commence or maintain in the courts of the state an action for treble damages for such excess rate, and attorneys' fees.

Sec. 4. Exemption. This act shall not apply to property usually denominated as seasonal.

Sec. 5. Penalty. Whoever violates the provisions of this act shall be punished by a fine of not less than \$25, nor more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

Sec. 6. Duration. The provisions of this act shall extend only until June 30, 1947.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.