

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)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

Sec. 2. 9 MRSA § 3746-A is enacted to read:

§ 3746-A. Cancellation of license; penalty

1. Procedure, notification. Any home repair contractor who has obtained a license from the superintendent for a home repair salesman whom he employs or has employed shall be able to cancel that license by so notifying the superintendent by letter. Such letter must be sent by registered or certified mail, state the effective date of cancellation and set forth a brief explanation of the reasons for cancellation. The superintendent, upon receiving a request for cancellation of a license, shall not require that said license be submitted to the bureau as a prerequisite for cancellation.

The superintendent shall promptly notify a home repair salesman that his license has been cancelled, provided that cancellation is requested by the home repair contractor who employed the salesman. The letter of notification shall be mailed by registered mail to the last known address of the home repair salesman as stated in the home repair salesman's application.

2. Prohibition. Any home repair salesman who continues to utilize his home repair salesman's license after notification by the superintendent of its cancellation shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500 for each offense.

Effective October 1, 1975

CHAPTER 458

AN ACT Concerning the Landlord-Tenant Relationship in Mobile Home Parks.

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

Sec. 1. 30 MRSA § 4061, as enacted by PL 1973, c. 548, is repealed.

Sec. 2. 30 MRSA § 4061-A is enacted to read:

§ 4061-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Mobile home. "Mobile home" shall mean a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

2. Mobile home park. "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes.

3. Tenant. "Tenant" means a mobile home owner who rents a parcel of land in a mobile home park.

Sec. 3. 30 MRSA § 4061-B is enacted to read:

§ 4061-B. Purchase of equipment

No mobile home park owner or operator shall require a resident therein to purchase from said owner or operator underskirting, equipment for tying down mobile homes or any other equipment required by law, local ordinance or regulation of the mobile home park. The park operator may determine by rule or regulation the style or quality of such equipment to be purchased by the tenant from the vendor of the tenant's choosing.

Sec. 4. 30 MRSA § 4064, as enacted by PL 1973, c. 548, is amended by adding at the end a new sentence to read:

No mobile home park shall restrict in any manner the reasonable advertising for sale of any mobile home in said park.

Sec. 5. 30 MRSA § 4066-B is enacted to read:

§ 4066-B. Terms of rental agreement

1. Eviction of tenant. A tenancy may be terminated by a park owner or operator pursuant to this chapter only for one or more of the following reasons.

A. Nonpayment of rent, utility charges or reasonable incidental service charges, provided that no action for possession shall be maintained if prior to the expiration of a notice to quit the tenant shall pay or tender all arrearages due plus 5% of the outstanding rent or a maximum of \$5 as liquidated damages.

B. Failure of the tenant to comply with local ordinances or state or federal law or regulations relating to mobile homes or mobile home parks, provided that the tenant is first given written notice of his failure to comply with said laws or regulations and a reasonable opportunity thereafter to comply with said laws or regulations.

C. Damage by the tenant to the demised property, reasonable wear and tear excepted.

D. Repeated conduct of the tenant upon the mobile home park premises which disturbs the peace and quiet or safety of other tenants in the mobile home park.

E. Failure of the tenant to comply with reasonable written rules and regulations of the mobile home park as established by the park owner or operator in the rental agreement at the inception of the tenancy or as amended subsequently, provided that the tenant is first given written notice of his failure to comply and a reasonable opportunity thereafter to comply with said rules and regulations. Nothing in this section, however, shall be construed to permit a park owner or operator to vary the terms of a written or oral rental agreement without the express written consent of the tenant.

F. Condemnation or change of use of the mobile home park.

G. Renovation or reconstruction of any portions of the park, provided that 60 days' notice, in addition to any other notice required by this section, is given in writing to the tenant.

H. Under terms and expressed conditions in the original lease or rental agreement which is entered into by the tenant and landlord.

2. Notice. Termination of any tenancy in a mobile home park shall not be effective unless made in the following manner: By the tenant giving at least 45 days' notice to the park owner or by the park owner entitled under subsection 1 to the mobile home space giving at least 45 days' notice in writing, delivered by certified or registered mail, to the tenant which shall state the reason or reasons for termination. In cases where the reason for eviction is nonpayment of rent, the tenancy may be terminated by 30 days' notice in writing delivered by certified mail.

3. Fees. The owner of a mobile home park or his agents shall not charge any fees to tenants other than charges for rent, utilities, incidental service charges, entrance fees or security deposits, unless otherwise provided for in the original lease or agreement.

4. Rules. A mobile home park owner may promulgate reasonable rules governing the conduct of his tenants, if it is reasonably related to preserving the order and peace of other tenants and the mobile home park. No park rule shall be unreasonable, unfair or unconscionable. Any rule or change in rent which does not apply uniformly to all park tenants shall create a rebuttable presumption that such rule or change in rent is unfair. Any park rule which does not conform to the requirements of this section shall be unenforceable and void.

5. Tenant to be given copy of rules and applicable statutes. The owner shall provide each tenant who resides in the park and all prospective tenants, before any rental agreement is entered into, with a written copy of the rules and regulations of said mobile home park and with a written copy of this chapter.

6. Enforcement. In addition to any other remedy under this chapter, any mobile home park resident may sue to enforce any provision of this section, and the court may award damages or grant injunctive or other appropriate relief.

7. Waiver prohibited. No lease or rental agreement, oral or written, shall contain any provision by which the tenant waives any of his rights under this chapter and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void.

8. Eviction without cause. Notwithstanding any other provision of this section, a landlord may evict a tenant from the mobile home park without cause upon giving 120 days' written notice of termination.