

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

CHAPTER 687

H.P. 1560 - L.D. 2166

**An Act to Ensure that Mobile Home Park
Operators are Informed of
Habitability Problems**

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

10 MRSA §9097, sub-§11 is enacted to read:

11. Breach of warranty of habitability as an affirmative defense. In an action brought by a mobile home park owner to terminate a rental agreement on the ground that the tenant is in arrears in the payment of rent, the tenant may raise, as a defense, any alleged violation of the implied warranty and covenant of habitability provided that:

A. The tenant gave the mobile home park owner, or the owner's agent has received, actual notice of the alleged violation while the tenant was current in rental payments;

B. The park owner or operator unreasonably failed under the circumstances to take prompt, effective steps to repair or remedy the condition; and

C. The condition was not caused by the tenant or another person acting under the tenant's control.

Upon finding that the leased premises is not fit for human habitation, the court shall permit the tenant either to terminate the rental agreement without prejudice or to reaffirm the rental agreement and the court shall assess against the tenant an amount equal to the reduced fair rental value of the property for the period during which rent is owed. The reduced amount of rent owed is to be paid on a pro rata basis, unless the parties agree otherwise, and payments are due at the same intervals as rent for the current rental period. The mobile home park owner may not charge the tenant for the full rental value of the property until the property is fit for human habitation.

See title page for effective date.

CHAPTER 688

H.P. 1537 - L.D. 2122

**An Act to Establish the Advisory Board on
Rights of Children in Need of Services**

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

Sec. 1. 5 MRSA §12004-I, sub-§59-A is enacted to read:

59-A.
Mental Health
and Mental
Retardation

Advisory Board
on Rights of
Children in Need
of Services

Expenses 34-B MRSA
Only §1209-B

Sec. 2. 34-B MRSA §1209-B is enacted to read:

§1209-B. Advisory Board on Rights of Children in Need of Services

1. Establishment. The Advisory Board on Rights of Children in Need of Services is established, in accordance with Title 5, section 12004-I, subsection 59-A and consists of 11 members as follows:

A. One parent of a child in need of treatment as defined by section 6201, subsection 2;

B. One parent of a child in need of mental retardation services who does not meet the definition in section 6201, subsection 2;

C. One person who has demonstrated experience as a provider of services to children in a hospital or residential care facility pursuant to section 6201, subsection 3;

D. One person who is a psychiatrist or a licensed clinical psychologist whose primary practice consists of treating children in need of services;

E. One person who is a primary consumer of mental health services;

F. One person who is a primary consumer of mental retardation services;

G. One person who is certified to teach special education;

H. Two persons who have professional experience as advocates for children;

I. One member of the public who has demonstrated interest in the rights of children with special needs; and

J. One provider of community services for children in need of services.

Members are appointed by the commissioner for staggered terms not to exceed 2 years.

2. Chair. The members of the board shall elect a chair from among its members.

3. Meetings. The board shall meet at least quarterly. A representative of the department shall act as liaison between the board and the department.