

# 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 electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

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

**Sec. 1. 10 MRSA §9097, sub-§1**, as amended by PL 1989, c. 662, is further amended to read:

**1. Eviction of tenant.** A tenancy may be terminated by a park owner or operator only for one or more of the following reasons:

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

B. Failure of the tenant or the tenant's cohabittees, guests or invitees to comply with local ordinances or state or federal law, rules or regulations relating to mobile homes or mobile home parks, ~~provided that~~ as long as the tenant first is given written notice of failure to comply with those restrictions and a reasonable opportunity to comply with the restrictions;

C. Damage by the tenant or the tenant's cohabittees, guests or invitees to the demised property, except for reasonable wear and tear;

D. Repeated conduct of the tenant or the tenant's cohabittees, guests or invitees upon the mobile home park premises ~~which that~~ disturbs the peace and quiet or safety of other tenants in the mobile home park;

E. Failure of the tenant or the tenant's cohabittees, guests or invitees to comply with reasonable written rules of the mobile home park as established by the park owner or operator in the rental agreement at the beginning of the tenancy or as subsequently amended, ~~provided that~~ as long as the tenant first is given written notice of failure to comply and a reasonable opportunity to comply with those rules;

F. Condemnation or change of use of the mobile home park, ~~provided that~~ as long as, in the case of change of use, one year's notice is given in writing to the tenant, unless at the beginning of the tenancy the tenant is given notice of the scheduled change of use;

G. Renovation or reconstruction of any portions of the park, if:

(1) In the case of a temporary eviction, the park owner or operator:

(a) Gives affected tenants 30 days' notice in writing, unless the temporary eviction is necessary to correct conditions posing an immediate threat to one or more tenants' health or safety; and

(b) Pays the removal and relocation costs of tenants, except for those tenants who agree otherwise in a signed writing separate from the lease; or

(2) In the case of a permanent eviction, other than an eviction due to reconstruction or renovation required by a federal, state or local governmental body, of one or more mobile homes currently located in the park, the park owner or operator:

(a) Gives each tenant one year's notice in writing; or

(b) To each tenant for whose home the park owner has found a reasonable alternative location acceptable to the tenant, gives 6 months' written notice and pays removal and relocation costs;

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

I. Violation by a tenant or the tenant's cohabittees, guests or invitees of paragraph A, B or E, 3 or more times in a 12-month period, notwithstanding the fact that the tenant in each case corrected the violation after being notified of the violation by the park owner or operator. For purposes of termination under this paragraph, the tenant or the tenant's cohabittees, guests or invitees must have engaged in at least 3 separate instances of misconduct.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 27, 1997.

---



---

**CHAPTER 28**

**S.P. 190 - L.D. 608**

**An Act to Remove the State Prisoner Population Limit for Knox County**

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

**Sec. 1. 34-A MRSA §3010**, as enacted by PL 1989, c. 925, §18, is repealed.

See title page for effective date.

## CHAPTER 29

S.P. 147 - L.D. 426

### An Act to Amend the Employee Leasing Company Registration Process

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

**Sec. 1. 32 MRSA §14053**, as amended by PL 1995, c. 618, §20, is further amended to read:

#### §14053. Registration process

**1. Statement.** Except as otherwise provided in this section, each employee leasing company required to be registered under section 14052 shall provide the ~~commissioner~~ superintendent with information required by the ~~commissioner~~ superintendent on forms that the ~~commissioner~~ superintendent specifies. At a minimum, employee leasing companies shall provide the following information:

- A. The name or names under which the registrant conducts business;
- B. The address of the principal place of business of the employee leasing company and the address of each office it maintains in this State;
- C. The employee leasing company's taxpayer or employer identification number;
- D. A list by jurisdiction of each name under which the employee leasing company has operated in the preceding 5 years, including any alternative names, names of predecessors and, if known, successor business entities;
- E. A list of all persons or entities that own a 5% or greater interest in the employee leasing company at the time of application and a list of persons who formerly owned a 5% or greater interest in the employee leasing company or its predecessors in the preceding 5 years; and
- F. A list of the cancellations or nonrenewals of workers' compensation insurance issued to the employee leasing company or its predecessors in the preceding 5 years. The list must include the policy or certificate numbers, names of insurers or other providers of coverage, dates of cancellation and reasons for cancellation. If coverage has not been canceled or has been renewed, the

registration must include a sworn affidavit signed by the chief executive officer of the employee leasing company attesting to that fact.

**2. Renewal.** Prior to January 31st of each year or any other time fixed by the ~~commissioner~~ superintendent, each registrant shall renew its registration by notifying the ~~commissioner~~ superintendent of any changes in the information previously provided pursuant to this section.

**3. List.** The ~~commissioner~~ superintendent shall maintain a list of employee leasing companies registered under this chapter.

**4. Forms.** The ~~commissioner~~ superintendent may prescribe forms necessary to promote the efficient administration of this section.

**Sec. 2. 32 MRSA §14055, sub-§5**, as amended by PL 1995, c. 618, §22, is further amended to read:

**5. Disclosure.** The employee leasing company shall disclose to client companies services to be rendered, including costs, and the respective rights and obligations of the parties prior to entering into or receiving a leasing arrangement. This disclosure must include a statement that the client company may take complaints to the ~~Department of Labor~~ Bureau of Insurance.

See title page for effective date.

## CHAPTER 30

H.P. 227 - L.D. 291

### An Act Concerning Defendants' Ability to Attack Orders of Restitution

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

**Sec. 1. 17-A MRSA §1330-A** is enacted to read:

#### §1330-A. Waiver of issue of excessiveness

If a defendant at the time of sentencing has consented to the imposition by the sentencing court of a specific amount of restitution, the defendant is thereafter precluded from seeking to attack the legality or propriety of the amount of restitution ordered if that amount does not exceed the specific amount consented to by the defendant.

See title page for effective date.