

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

JUNE 1990

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

OTP  
OTP-ND  
OTP-ND-NT  
OTP-A  
ONTP  
LVWD  
INDEF PP

Ought to Pass  
Ought to Pass in New Draft  
Ought to Pass in New Draft, New Title  
Ought to Pass as Amended  
Ought Not to Pass  
Leave to Withdraw  
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

**LD 2165**      **An Act Regarding Mobile Home Park Tenants' Use of the  
Defense of Breach of the Warranty of Habitability (Reported  
Pursuant to P & S Laws 1987, chapter 139)**

**LV/WD**

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

LV/WD

**SUMMARY**

This bill, a minority recommendation of the Commission on Manufactured Housing established by P&S 1987 c. 139, allows a mobile home park tenant to raise breach of warranty and covenant of habitability as a defense in an eviction action for nonpayment of rent in the same way a tenant in rental housing is permitted to use this defense under 14 MRSA §6003, sub-§3.

**LD 2166**      **An Act to Ensure that Mobile Home Park Operators are  
Informed of Habitability Problems (Reported Pursuant to  
P & S Laws 1987, chapter 139)**

**PUBLIC 687**

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

OTP                  MAJ  
ONTP                MIN

**SUMMARY**

This bill, a majority recommendation of the Commission on Manufactured Housing established by P&S 1987 c. 139, allows a mobile home park tenant to use the defense of breach of the warranty and covenant of habitability in an eviction action for nonpayment of rent if the tenant has given the park owner or operator actual notice of the alleged breach while the tenant was current in rent, the breach was not due to actions by the tenant or one under the tenant's control, and if the owner or operator failed to take reasonably prompt steps to correct the breach.

**LD 2168**      **An Act Regarding Mobile Home Safety Standards (Reported  
Pursuant to P & S Laws 1987, chapter 139)**

**PUBLIC 678**

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

OTP-AM

H-815

**SUMMARY**

This bill, a unanimous final recommendation of the Commission on Manufactured Housing established by P&S 1987 c. 139, enables a mobile home park owner to require, at the time a mobile home is sold and at the tenant's expense, that a mobile home not built to the HUD Code, i.e. pre-1976 homes, be inspected by appropriate licensed tradespersons to determine that the home meets the State's used manufactured home standard in regard to fire safety and the safety of heating and electrical systems. The bill requires the Manufactured Housing Board to adopt rules establishing a used manufactured home standard.

Committee Amendment "A" adds a January 1, 1993 sunset to the provisions enabling a park owner to require inspection of pre-1976 homes.