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Legislative Document

No. 1270

H.P. 909

House of Representatives, March 28, 2013

**An Act To Provide That Innkeepers and Certain Campground
Operators Are Not Considered Landlords**

(EMERGENCY)

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VEROW of Brewer.
Cosponsored by Senator THOMAS of Somerset and
Representatives: BROOKS of Winterport, GRAHAM of North Yarmouth.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the summer tourist season is approaching; and

4 **Whereas,** it is imperative that this legislation take effect immediately so that
5 innkeepers and campground operators are ready for the tourist season; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 30-A MRSA §3801, sub-§1,** as enacted by PL 1987, c. 737, Pt. A, §2 and
12 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
13 further amended to read:

14 **1. Innkeeper.** "Innkeeper" means a person who keeps an inn, hotel or motel to
15 provide lodging to travelers and others for compensation and who maintains the sleeping
16 accommodations. An innkeeper is not a landlord pursuant to the landlord and tenant laws
17 as provided in Title 14.

18 **Sec. 2. 30-A MRSA §3821, sub-§1,** as amended by PL 2005, c. 185, §2, is
19 further amended to read:

20 **1. Register of guests.** Every person conducting a hotel or lodging house shall have a
21 register kept and maintained in the hotel or lodging house at all times. The name of every
22 guest or person renting a room or rooms in the hotel or lodging house must be written in
23 the register. The person renting the room or rooms, or someone under that person's
24 direction, shall sign the register. The proprietor of the hotel or lodging house, or the
25 proprietor's agent, shall then write the number of each room assigned to each guest,
26 together with the date that room is rented, opposite the name or names so registered. A
27 guest of a hotel or lodging house is not a tenant pursuant to the landlord and tenant laws
28 as provided in Title 14.

29 **Sec. 3. 30-A MRSA §3837, first ¶,** as enacted by PL 1987, c. 737, Pt. A, §2 and
30 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
31 further amended to read:

32 The owner or manager of an inn, hotel, restaurant, lodging house, camping area or
33 boardinghouse may request that any person on the premises of that establishment who is
34 causing unnecessary disturbance to other persons on the premises or who is damaging or
35 destroying property belonging to or in use by the inn, hotel, restaurant, lodging house,
36 camping area or boardinghouse leave the premises immediately. If any person who is
37 requested to leave the premises under this section fails or refuses to do so, the owner or
38 manager may use a reasonable degree of force against that person to remove that person
39 from the premises. If any person who is requested to leave the premises under this

1 section fails or refuses to do so, the owner or manager may request a law enforcement
2 officer to remove that person from the premises.

3 **Sec. 4. 30-A MRSA §3838, first ¶**, as amended by PL 1997, c. 59, §1, is further
4 amended to read:

5 An innkeeper or campground owner may refuse or deny any accommodations,
6 facilities or privileges of a hotel, lodging house or campground to or may eject from the
7 hotel, lodging house or campground premises or may request a law enforcement officer to
8 remove from the premises:

9 **Sec. 5. 33 MRSA §589, sub-§§6 and 8**, as enacted by PL 1985, c. 390, are
10 amended to read:

11 **6. Membership camping operator.** "Membership camping operator" means any
12 person who offers camping or outdoor recreational opportunities through the use of
13 camping sites and who solicits membership camping contracts paid for in cash, by
14 installment or periodic payments, including annual fees, by which the purchasers of
15 memberships obtain the right to use camping sites or other camping or recreational
16 facilities of the membership camping operator. "Membership camping operator" does not
17 include mobile home parks as defined in Title ~~22~~ 10, section ~~2494~~ 9081. A membership
18 camping operator is not a landlord pursuant to the landlord and tenant laws as provided in
19 Title 14.

20 **8. Purchaser.** "Purchaser" means a person who enters into a membership camping
21 contract and obtains the right to use the facilities of a membership camping operator. A
22 purchaser is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

23 **Emergency clause.** In view of the emergency cited in the preamble, this
24 legislation takes effect July 1, 2013.

25 SUMMARY

26 This bill clarifies that an innkeeper and an operator of a membership campground are
27 not considered landlords and that guests of hotels, motels, inns, lodges and membership
28 campgrounds are not considered tenants pursuant to the landlord and tenant laws as
29 provided in the Maine Revised Statutes, Title 14. The bill also allows an owner or
30 manager of an inn, hotel, restaurant, lodging house, boardinghouse or camping area to
31 request a law enforcement officer to remove a guest who is causing unnecessary
32 disturbance to other persons, who is unwilling or unable to pay for the accommodations
33 or services or who is damaging or destroying property belonging to the inn, hotel,
34 restaurant, lodging house, boardinghouse or camping area.