



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1669

S.P. 568

In Senate, December 21, 2011

**An Act To Clarify the Process for Removing a Person from a
Dormitory Operated by a Nonprofit Organization and the
Municipal Regulation of Such Facilities**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator HASTINGS of Oxford.

Cosponsored by Representative NASS of Acton and

Senators: ALFOND of Cumberland, KATZ of Kennebec, LANGLEY of Hancock,

Representative: PRIEST of Brunswick.

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

2 **Sec. 1. 14 MRSA §6001, sub-§1-C** is enacted to read:

3 **1-C. Dormitories.** The process of forcible entry and detainer is not required against
4 a person who occupies a dormitory as defined in Title 30-A, section 3801, subsection
5 1-A.

6 A. The owner or manager of a dormitory may request that a person on the premises
7 of the dormitory causing unnecessary disturbance to other persons on the premises or
8 damaging or destroying property of the dormitory leave the premises immediately. If
9 a person requested to leave the premises under this paragraph fails or refuses to leave,
10 the owner or manager may use a reasonable degree of force against that person to
11 remove that person from the premises.

12 B. The owner or manager of a dormitory may take reasonable action to immediately
13 remove from a dormitory a person who violates a rule of the dormitory that is
14 included in an agreement signed by the person or posted in a conspicuous place
15 within the dormitory.

16 **Sec. 2. 30-A MRSA §3801, sub-§1-A** is enacted to read:

17 **1-A. Dormitory.** "Dormitory" means a place where lodging is provided when:

18 A. The occupants share sleeping, living, dining, cooking or bathing facilities;

19 B. The lodging is provided as part of an educational or social service program
20 provided by the owner or lessee of the facility;

21 C. The owner or manager of the dormitory has a key to each lodging unit and has the
22 right to enter all areas of the facility; and

23 D. The facility is owned or leased by an organization that is exempt from income tax
24 under Section 501(c)(3) of the United States Internal Revenue Code or the property is
25 exempt from property tax under Title 36, section 652.

26 **Sec. 3. 30-A MRSA §3801, sub-§3, ¶B**, as enacted by PL 1987, c. 737, Pt. A, §2
27 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
28 repealed and the following enacted in its place:

29 B. A dormitory; or

30 **SUMMARY**

31 This bill clarifies the definition of "dormitory" excluded from municipal licensing as
32 a lodging house. This bill also provides that a dormitory owned or managed by a
33 nonprofit organization exempt from income tax or property tax is not subject to the
34 forcible entry and detainer process for eviction of tenants who cause an unnecessary
35 disturbance, damage the property of the dormitory or violate rules that are part of an
36 agreement with the tenant or posted in the dormitory. Under the provisions of this bill,
37 the owner or manager is permitted to use reasonable force to remove tenants from the

1 property who cause unnecessary disturbance or damage and refuse to leave after being
2 asked to do so.