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April 28, 2025

Hon. Anne Carney, Senate Chair  
Hon. Amy Kuhn, House Chair  
Committee on Judiciary  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

RE: LD 1750, *An Act to Require the Attorney General to Create and Update Biennially a Model Residential Lease*

Dear Senator Carney and Representative Kuhn:

I write in opposition to LD 1750, *An Act to Require the Attorney General to Create and Update Biennially a Model Residential Lease*. As required by a prior act of the Legislature, the Attorney General's Office has for many years published a model residential lease. In addition to requiring the Attorney General's Office to create a new model lease and engage in a mandatory process to update it every two years, LD 1750 includes vague provisions that are inconsistent with the Attorney General's role as an enforcer in consumer protection matters.

In 1989, the Legislature directed the Attorney General's Office to develop a model residential lease and to solicit input from tenant and landlord organizations. *See* P.L. 1989, ch. 43 (copy enclosed). The model lease was required to be in plain language and intended as advisory only. The Legislature also required the model lease to be periodically updated if necessary to conform with changes in the law. The Attorney General's Office has complied with these requirements. The model lease is currently published as Chapter 16 of the Attorney General's Consumer Law Guide.<sup>1</sup> As explained in the preface to Chapter 16, and consistent with the Legislature's directives:

This latest version of [the] model lease was developed by the Maine Attorney General and the Maine Human Rights Commission to provide landlords and tenants with an example that is both reasonable and understandable. It is intended as a teaching tool that provides basic information about the law and

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<sup>1</sup> All chapters of the Consumer Law Guide are published at the Attorney General's publicly accessible website: [https://www1.maine.gov/ag/consumer/consumer\\_law\\_guide.shtmls](https://www1.maine.gov/ag/consumer/consumer_law_guide.shtmls).

raises awareness of areas where further research is advisable. It does not include all of the laws applicable to landlords and tenants. The Attorney General does not guarantee that this model lease accurately reflects current Maine or federal housing laws.

Based on feedback received from consumers, the Attorney General's Office is confident that the current model lease, although not exhaustive in terms of describing the full scope of all laws applicable to rental housing, is a helpful and effective resource for educating tenants about their rights and a landlord's obligations under Maine law. The model lease is thus consistent with the Attorney General's role as the State's chief law enforcement officer in consumer protection matters, which includes rental housing. The existing model lease is serving precisely the purpose intended by the Legislature.

LD 1750 would require the Attorney General's Office to develop a new model lease in consultation with interested organizations, to review and respond to public comments prior to publication, and do it all over again every two years. The bill would require the allocation of additional and ongoing resources within the Consumer Protection Division of the Attorney General's Office, as it is currently staffed with just five attorneys responsible for investigation and enforcement in a wide range of subject matters areas, including rental housing. Moreover, unlike the 1989 law, which required the lease be in "plain language," LD 1750 would require neutrality, which is ambiguous and inconsistent with the role of the Attorney General's Office. To be clear, the Attorney General's Office is not a neutral regulator of the rental housing industry. Rather, the Office investigates violations of Maine's laws that protect tenants and prohibit unfair trade practices by landlords, and it files lawsuits against landlords (and never tenants) when appropriate. In the context of those investigations and lawsuits, the Attorney General's Office is not neutral. Landlords should expect that the Office will interpret and apply laws for the benefit of protecting tenants as consumers of rental housing.

Because LD 1750 is unnecessary, would require additional resources within the Attorney General's Office, and includes provisions that are inconsistent with the role of the Office in consumer protection matters, I respectfully urge the Committee to vote "ought not to pass" on LD 1750.

Thank you for your consideration.

Sincerely,



Aaron M. Frey  
Attorney General