



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 45

S.P. 37

In Senate, January 4, 2023

An Act to Prevent Retaliatory Evictions

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARNEY of Cumberland.

Cosponsored by Senators: DUSON of Cumberland, HICKMAN of Kennebec, TIPPING of Penobscot, Representatives: DHALAC of South Portland, KESSLER of South Portland.

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

2 **Sec. 1. 14 MRSA §6001, sub-§3, ¶A**, as amended by PL 2013, c. 324, §1, is further
3 amended to read:

4 A. Asserted the tenant's rights pursuant to section 6015, 6016, 6021 or section 6030-D
5 or pursuant to a municipal ordinance limiting rent increase;

6 **Sec. 2. 14 MRSA §6001, sub-§3**, as amended by PL 2019, c. 351, §2, is further
7 amended by repealing the first blocked paragraph.

8 **Sec. 3. 14 MRSA §6001, sub-§3**, as amended by PL 2019, c. 351, §2, is further
9 amended by amending the 2nd blocked paragraph to read:

10 ~~No~~ A writ of possession may not issue in the absence of rebuttal of the presumption of
11 retaliation. To rebut the presumption of retaliation, a plaintiff in a forcible entry and
12 detainer action must show by a preponderance of the evidence that a reason set forth in
13 section 6002, subsection 1 or a violation of a lease provision is a substantial reason for
14 bringing the action.

15 **SUMMARY**

16 This bill provides that in an action of forcible entry and detainer there is a rebuttable
17 presumption that the action was commenced in retaliation against the tenant if, within 6
18 months prior to the commencement of the action, the tenant has asserted the tenant's rights
19 pursuant to the laws requiring notice to the tenant of a rent increase, the laws prohibiting a
20 rent increase for a dwelling unit that is in violation of the warranty of habitability or a
21 municipal ordinance limiting rent increase. It also provides that to rebut the presumption
22 of retaliation, a plaintiff in a forcible entry and detainer action must show by a
23 preponderance of the evidence that a reason set forth in law or a violation of a lease
24 provision is a substantial reason for bringing the action.