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JUDICIARY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 37, L.D. 45, “An Act to Prevent Retaliatory Evictions”

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

A. Asserted the tenant's rights pursuant to section 6015, 6016, 6021 or ~~section~~ 6030-D;

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

~~No~~ A writ of possession may not issue in the absence of rebuttal of the presumption of retaliation.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

Current law provides for a presumption of retaliation in an action of forcible entry and detainer if, within 6 months prior to the commencement of the action, the tenant has asserted certain rights. This amendment creates 2 additional bases under which there is a presumption of retaliation within that time frame: (1) the tenant has asserted the tenant's rights pursuant to the law requiring notice of a rent increase; and (2) the tenant has asserted the tenant's rights under the law prohibiting a rent increase for a dwelling unit that is in violation of the warranty of habitability.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT