

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 740

H. P. 596

House of Representatives, February 23, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Prohibit Unjust Retaliatory Evictions.**

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

14 MRSA § 6001, 3rd ¶, as last amended by PL 1977, c. 401, § 2, is repealed and the following enacted in its place:

**In any action of forcible entry and detainer there shall be a presumption that the action was commenced in retaliation against the tenant if, within the 6 months prior to the commencement of the action, the tenant has filed a complaint pursuant to section 6021, complained as an individual, or a complaint has been made in his behalf, in good faith, of conditions in or affecting his dwelling unit which may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute presently or hereafter adopted, to a body charged with enforcement of that code, ordinance, regulation or statute, or such a body has filed a notice or complaint of such a violation; complained in writing or made a written request, in good faith, to the landlord to make repairs on the premises as required by any applicable building, housing, sanitary or other code, ordinance, regulation or statute presently or hereafter adopted, or as required by the rental agreement between the parties; or organized or become a member of a tenants' union or other similar organization concerned with landlord-tenant relationships. No writ of possession shall issue in the absence of rebuttal of the presumption of retaliation.**

## STATEMENT OF FACT

This bill restructures the present statutory provisions controlling unjust retaliatory evictions of a tenant by a landlord. The key change in the law will be to extend the prohibition against evictions arising from a landlord's retaliatory motives to include situations where a tenant has made a good faith, written request for repairs specifically required by a local housing code or by the rental agreement.

A landlord's right to evict a tenant for rent arrearage or any other substantive reason is in no way impaired by this bill.