

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1355

H. P. 1094

House of Representatives, March 20, 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. Carrier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Concerning Availability of Remedy under Laws Relating to Landlord-tenant Relations.**

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

**Sec. 1. 14 MRSA § 6001, 3rd ¶, first sentence**, as last amended by PL 1977, c. 401, § 2, is further amended to read:

Where the tenant proves that within the past-6 **one** month he has filed a **valid** complaint pursuant to section 6021 or that he has complained as an individual, or that a complaint has been made in his behalf, in good faith of conditions in or affecting his dwelling unit which **actually** 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 such code, ordinance, regulation or statute or such a body has filed a notice or complaint of such a violation, a presumption shall arise that the action of forcible entry and detainer was commenced in retaliation for such complaint or notice.

**Sec. 2. 14 MRSA § 6001, 3rd ¶**, as last amended by PL 1977, c. 401, § 2, is further amended by adding a new sentence at the end to read:

**If the process of forcible entry and detainer is commenced and subsequently proven on any of the causes of action pursuant to section 6002, then the presumption has been successfully rebutted.**

## STATEMENT OF FACT

Present statutes state that if a tenant who is being evicted shows that within the past 6 months he has complained about a certain type of landlord violation, the presumption arises that the eviction is because of the tenant's complaint. The difficulty with this statute is that a tenant who is going to be evicted sometimes files a frivolous complaint of a landlord's violation in order to raise the presumption in court. This bill combats this problem in 2 ways:

1. It shortens the time for the tenant to have filed the complaint about the violation from 6 months to one month; and
2. It requires the complaint to have been about an actual violation in order to raise the presumption.

The bill also provides that if a forcible entry and detainer action commenced under Title 14, section 6002 is successful, that success will void any presumption that an eviction was made because to the tenant's complaint about a landlord's violation.