

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 797

H. P. 683

House of Representatives, February 11, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Holloway of Edgecomb.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Sums Due for Rent and Claims Damages.

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

14 MRSA § 6010, as last amended by PL 1979, c. 127, §§ 112 and 113, is further amended by adding a new paragraph at the end to read:

If an action for sums due for rent on leases under seal or otherwise and claims for damages to premises rented arises subsequent to a forcible entry and detainer action, the defenses stated in this section shall be null and void if the parties to the forcible entry and detainer action failed to raise the issue of habitability at the time of the forcible entry and detainer action.

STATEMENT OF FACT

The purpose of this bill is to amend the law relating to the fact that a tenant may raise the issue relative to the fitness of the rent for which moneys are due as much as 5 or 6 years after a forcible entry and detainer action has been acted upon. In other words, if a tenant is evicted and the tenant refuses to go to court or to raise defenses of habitability of the apartment and a writ of possession is issued for the apartment, a sum due for back rent and damages can be sued for without the tenant who has failed to raise those issues being able to raise the issue of habitability years later.