

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 919**

H. P. 774

House of Representatives, February 19, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Drinkwater of Belfast.

Cosponsor: Representative Pouliot of Lewiston.

STATE OF MAINE

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

**AN ACT Concerning Availability of Remedy.**

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

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

Where the tenant proves that within the past ~~6 months~~ **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 ~~may constitute~~ **actually constitutes** 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, last ¶**, as amended by PL 1977, c. 401, § 2, is further amended by adding at the end a new sentence 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

The purpose of this bill is to reduce the time period that a retaliatory eviction can be had after a tenant has filed a valid complaint pursuant to section 6021. This eliminates the problem where a tenant, upon receipt of any kind of notice from a landlord that he may be evicted, sometimes makes an attempt to file a frivolous or made-up complaint. This bill adds the word "actually" the terminology "constitutes a violation of a building, sanitary or other code, etc." because many complaints do not constitute violations of any ordinance, health code and solely provide the tenant with a means of evading paying of rent for 6 months. This provision is intended to make the law fairer for both parties.