

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1225, L.D. 1697, Bill, "An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws"

Amend the bill in section 2 in paragraph D in the last line (page 1, line 25 in L.D.) by inserting after the following: "4325." the following: 'This paragraph is repealed on October 1, 1991.'

Further amend the bill in section 3 in subsection 7 in the 3rd line (page 1, line 31 in L.D.) by inserting after the following: "4325." the following: 'This subsection is repealed on October 1, 1991.'

Further amend the bill in section 4 in that part designated "§6029." by inserting at the end the following:

'3. Sunset. This section is repealed on October 1, 1991.'

Further amend the bill in section 5 in that part designated "§4325." in subsection 1 in the 6th line (page 2, line 7 in L.D.) by inserting after the following: "regulations," the following: 'and that those violations were not wholly caused by a tenant.'

Further amend the bill in section 5 in that part designated "§4325." by striking out all of subsection 3 (page 2, lines 31 to 49 in L.D.) and inserting in its place the following:

'3. Hearing. A landlord to whom the notice provided for by subsection 2 has been issued may request a hearing before the municipal officers within 10 days of the receipt of the notice. The municipal officers, or their designated representatives for health, housing, trash, sanitation and safety code enforcement, shall hold a hearing within 10 days of the request. A landlord's request for a hearing stays establishment of the escrow provided for by subsection 2. The only issues to be determined at the hearing are whether:

1           A. The landlord has been cited for repeated violations of  
3           municipal health, safety, housing, trash and sanitation  
5           regulations;

7           B. There was good cause to issue each citation; and

9           C. The violations were wholly caused by a tenant.

11          The municipal officers, or their designated representatives for  
13          health, housing, trash, sanitation and safety code enforcement,  
15          shall issue a written finding within 2 days of the closing of the  
17          hearing. If the municipal officers or their designees find that  
            the landlord was not cited for repeated violations, that there  
            was not good cause to issue the citations or that the violations  
            were wholly caused by a tenant, the general assistance payments  
            for rent shall not be placed in escrow.'

19          Further amend the bill in section 5 in that part designated  
21          "§4325." in subsection 4 in the 3rd line (page 3, line 3 in L.D.)  
23          by inserting after the following: "violations" the following:  
            ', that the violations were not wholly caused by a tenant'

25          Further amend the bill in section 5 in that part designated  
27          "§4325." in subsection 4 in the 9th line (page 3, line 9 in L.D.)  
29          by striking out the following: "tenants of the landlord" and  
            inserting in its place the following: 'the landlord's tenants  
            who live in buildings for which citations for repeated violations  
            were issued'

31          Further amend the bill in section 5 in that part designated  
33          "§4325." in subsection 4 by inserting after paragraph C the  
            following:

35          'D. The municipality may authorize payment out of an escrow  
37          account established under this subsection for expenses and  
39          repairs immediately necessary to correct conditions which  
            endanger or materially impair the health or safety of  
            tenants.'

41          Further amend the bill in section 5 in that part designated  
43          "§4325." in subsection 4 in the last paragraph in the first line  
45          (page 3, line 27 in L.D.) by striking out the following: "A  
            tenant" and inserting in its place the following: 'Provided that  
            a tenant personally liable to pay a share of the rent is not in  
            arrears for that share, a tenant'

47          Further amend the bill in section 5 in that part designated  
49          "§4325." in subsection 4 in the last paragraph in the 2nd line  
51          (page 3, line 28 in L.D.) by striking out the following: "this  
            chapter" and inserting in its place the following: 'an eviction  
            action for nonpayment of rent'

Further amend the bill in section 5 in that part designated "S4325." by inserting after subsection 6 the following:

'7. Sunset. This section is repealed on October 1, 1991.'

### STATEMENT OF FACT

This amendment makes several changes to the bill to enhance the effectiveness and ensure the fairness of the bill's provision for escrow of general assistance rent payments made to landlords who fail to correct municipal health and safety code violations.

The amendment provides that the escrow account provided for by the bill may not be established if the violations were wholly caused by tenants. The amendment also specifies that the escrow will be established only for buildings for which the landlord was cited concerning repeated violations.

The amendment allows a municipality which has established an escrow provided for by the bill to authorize payment out of escrow only for expenses and repairs immediately necessary to protect the health and safety of tenants and not for other expenses such as mortgage payments.

The amendment also specifies that a tenant otherwise current in rent payments shall not be considered in arrears for the purposes of an eviction action if the escrow provided for in the bill is established.

The amendment also adds a sunset provision to allow legislative oversight of municipal authority in regard to escrow of general assistance funds.

Reported by the Committee on Legal Affairs  
Reproduced and distributed under the direction of the Clerk of the House  
6/14/89 (Filing No. H-514)