

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50
52

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 236, L.D. 304, Bill, "An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Laws Regarding Protection from Harassment to Include the Protection of Rental Property'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §4651, sub-§2, as amended by PL 1987, c. 695, §1, is further amended to read:

2. Harassment. "Harassment" means any repeated act of intimidation, harassment, physical force or threat of physical force directed against any person, family, landlord or their property or advocate with the intention of causing fear or intimidation or destruction of rental property or to deter free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine and the United States Constitution. This definition does not include any act protected by the constitutional guarantee of free speech.

Sec. 2. 5 MRSA §4653, sub-§1, as amended by PL 1987, c. 708, §3, is further amended to read:

1. Filing. Any person who has been a victim of harassment, including a landlord acting on behalf of an aggrieved tenant, may seek relief by filing a sworn petition in an appropriate court alleging that harassment.

Sec. 3. 5 MRSA §4654, sub-§2, ¶A, as amended by PL 1989, c. 164, is further amended to read:

A. It appears clearly from a verified petition or an affidavit accompanying the petition that:

COMMITTEE AMENDMENT

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

(1) Before the defendant or the defendant's attorney can be heard, the plaintiff may be in immediate and present danger of physical abuse from the defendant or is in immediate and present danger of suffering extreme emotional distress as a result of the defendant's conduct or the plaintiff's rental property is in immediate and present danger of suffering substantial damage as a result of the defendant's actions;

(2) Either the plaintiff has or has not contacted any law enforcement officials concerning the alleged harassment; and

(3) The plaintiff has provided sufficient information to substantiate the alleged harassment;

Sec. 4. 5 MRSA §4654, sub-§4, ¶¶C and D, as enacted by PL 1987, c. 515, §1, are amended to read:

C. Entering the plaintiff's residence, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff; or

D. Taking, converting or damaging property in which the plaintiff may have a legal interest; or

Sec. 5. 5 MRSA §4654, sub-§4, ¶E is enacted to read:

E. In the case of rental property, damaging the plaintiff's property or threatening, assaulting, molesting, harassing or otherwise disturbing the peace of any aggrieved tenant.

Sec. 6. 5 MRSA §4655, sub-§1, ¶¶B and C, as enacted by PL 1987, c. 515, §1, are amended to read:

B. Directing the defendant to refrain from going on the premises of the plaintiff's residence, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;

C. Directing the defendant to refrain from interference with or destruction of the plaintiff's property;

FISCAL NOTE

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department..'

2

4

STATEMENT OF FACT

6

8

10

12

This amendment redefines "harassment" to include threats against a landlord and destruction of rental property. The amendment provides a landlord with a process to seek relief from harassment and provides a landlord with the same types of remedies a person may seek under the laws that provide protection from harassment. The amendment also adds a fiscal note.

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
5/13/93 (Filing No. H-291)