

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2090

H.P. 1491

House of Representatives, January 20, 1998

An Act to Protect Victims of Domestic Abuse from Eviction.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Portland.

Cosponsored by Senator KILKELLY of Lincoln and

Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, JONES of Bar Harbor, MERES of Norridgewock, STEVENS of Orono, WATSON of Farmingdale, Senators: CATHCART of Penobscot, PINGREE of Knox.

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

2 **Sec. 1. 5 MRSA §3360-H, first ¶,** as enacted by PL 1991, c. 806,
4 §3, is amended to read:

6 There is created a special fund, known as the "Victims'
8 Compensation Fund," for the purpose of providing for the payment
of claims arising under this chapter, for providing loans under
10 section 3360-M and for the payment of all necessary and proper
expenses incurred by the board. The Attorney General shall
administer the fund.

12 **Sec. 2. 5 MRSA §3360-M** is enacted to read:

14 **§3360-M. Loans for victims of domestic abuse**

16 The Attorney General shall make available from the Victims'
18 Compensation Fund revolving loans to victims of domestic abuse
20 who are facing eviction due to economic reasons.

22 **1. Definitions.** As used in this section, unless the
24 content otherwise indicates, the following terms have the
 following meanings.

26 A. "Domestic abuse" has the same meaning as defined in
 Title 19-A, section 1501.

28 B. "Dwelling" includes mobile homes, apartments, buildings
30 or other structures, including the common areas thereof,
 which are rented for human habitation.

32 C. "Fund" means the Victims' Compensation Fund created in
34 section 3360-H.

36 D. "Victim" means a victim of domestic abuse.

38 **2. Procedure; purpose.** A victim may apply for a revolving
40 loan from the fund, the proceeds of which must be used to pay
 rent for the dwelling of the victim. Applications must be
 submitted to the board as follows.

42 A. The application must be in writing and under oath.

44 B. The application must specify the date, nature and
46 circumstances of the domestic abuse and the law enforcement
 agency to which it was reported.

48 C. The application must include the address of the dwelling
50 at which the victim lives, the name of the landlord of the
 dwelling at which the victim lives, the monthly rental

amount and the amount the victim is in arrears or needs to avoid eviction.

3. Forms. The board shall provide application information and application forms.

4. Payment of loans; limits. The board may loan a victim an amount not to exceed the amount necessary to pay 2 months' rent of the victim's dwelling.

The board, in its sole discretion, may disburse funds loaned directly to the victim or to the individuals or entities who serve as landlord of the victim's dwelling.

5. Determination of loan amount. The board may hold a hearing on any application and shall hold a hearing if requested by the victim. The victim may address the board at a hearing on the application and the board may take testimony under oath. A decision of the board to grant a loan and the amount of the loan must be made by majority vote of the members of the board. The board shall make its decision no later than 2 weeks after receipt of the application.

6. Obligation to repay. A victim to whom a loan is made pursuant to this section must agree in writing to repay the loan within a time period specified by the board. The board may require the victim to make payments or may require the complete payment of the loan by a specified date. The Attorney General shall provide contracts to be used by the board and signed by the victim that establish the conditions and terms upon which the loan is being made.

Sec. 3. 14 MRSA §6014, sub-§1, ¶D is enacted to read:

D. A landlord may not evict any tenant or require the payment of additional charges based solely on the fact or perception that the tenant is, or may become, the victim of domestic abuse, as defined in Title 19-A, section 1501. A landlord may not be held criminally or civilly liable for any cause of action that may result from compliance with this paragraph.

SUMMARY

This bill, based on a current provision of insurance law, prohibits the eviction of a tenant solely due to the fact that the person is or may become a victim of domestic abuse. The bill

2 also gives victims of domestic abuse access to the Victims' Compensation Fund, on a loan basis, to be used by those victims to avoid eviction due to economic circumstances.