

MAINE STATE LEGISLATURE

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Date: 6/1/9

Majority

LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 747, L.D. 1080, "Resolve, Establishing the Blue Ribbon Commission To Study Landlord and Tenant Issues"

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

'Resolve, To Create a Working Group To Study Landlord and Tenant Issues'

Amend the resolve in the emergency preamble by striking out the 2nd indented paragraph (page 1, lines 3 and 4 in L.D.) and inserting the following:

'Whereas, a working group to study issues related to landlords and tenants is created in this resolve and must issue its findings and report by December 2, 2009; and'

Amend the resolve by striking out all of sections 1 to 7 and inserting the following:

'Sec. 1. Working group established. Resolved: That the Attorney General or the Attorney General's designee shall convene a working group to study issues related to landlords and tenants as required in section 4. The Attorney General or the Attorney General's designee shall chair the working group and convene the first meeting of the working group, which must be no later than August 1, 2009; and be it further

Sec. 2. Working group members. Resolved: That the working group under section 1 consists of the following 10 members:

1. The Attorney General or the Attorney General's designee;
2. The Director of the Maine State Housing Authority or the director's designee;
3. Four members representing the following organizations:
 - A. The State's designated protection and advocacy agency pursuant to the Maine Revised Statutes, Title 5, section 19502;
 - B. A statewide nonprofit legal services organization that provides free legal services to the elderly;
 - C. A statewide nonprofit legal services organization that provides free legal services to low-income persons; and

COMMITTEE AMENDMENT

1 D. A statewide nonprofit legal services organization that provides free legal
2 services, including administrative and legislative advocacy, to low-income persons;
3 and

4 4. Four members representing organizations of landlords and housing managers in
5 the State.

6 The Attorney General or the Attorney General's designee shall invite the
7 participation of one member representing the District Court selected by the Chief Justice
8 of the Maine Supreme Judicial Court; and be it further

9 **Sec. 3. Selection of members. Resolved:** That, no later than 30 days following
10 the effective date of this resolve, the organizations described in section 2 shall notify the
11 Attorney General or the Attorney General's designee of the members selected for
12 participation in the working group under section 1; and be it further

13 **Sec. 4. Duties. Resolved:** That the working group under section 1 shall:

14 1. Study the feasibility of providing heating fuel assistance and weatherization
15 assistance for landlords who serve low-income tenants in certain economically distressed
16 areas;

17 2. Study the issue of keeping housing units in proper repair, including examining the
18 laws regarding warranty of habitability to see if there is a way to have the law work more
19 simply to resolve both minor and major problems;

20 3. Study the issue of keeping tenants in their apartments in the event of a foreclosure;

21 4. Examine the current laws regarding evictions both in lease and tenancies at will to
22 determine if consolidating those laws into one statutory scheme is feasible and to
23 determine if some minimal standards should apply to lease tenancies;

24 5. Recommend changes to clarify and simplify the current law; and

25 6. Consider any other issues pertaining to landlord and tenant issues that it
26 determines to be relevant; and be it further

27 **Sec. 5. Notice to Legislature. Resolved:** That the Attorney General shall
28 provide written notice of working group under section 1 meetings and copies of any
29 minutes of meetings to members of the Joint Standing Committee on Legal and Veterans
30 Affairs and the Office of Policy and Legal Analysis; and be it further

31 **Sec. 6. Staffing assistance. Resolved:** That the Attorney General shall provide
32 necessary staffing services to the working group under section 1. Upon the approval of
33 the Legislative Council, the Office of Policy and Legal Analysis may provide drafting
34 assistance with the preparation of recommended legislation. The drafting assistance
35 provided by the Office of Policy and Legal Analysis may be provided only when the
36 Legislature is not in session; and be it further

37 **Sec. 7. Report. Resolved:** That, no later than January 15, 2010, the working
38 group under section 1 shall submit a report that includes its findings and
39 recommendations, including suggested legislation, for presentation to the Joint Standing
40 Committee on Legal and Veterans Affairs. The Joint Standing Committee on Legal and
41 Veterans Affairs is authorized to introduce a bill related to the subject matter of the report

1 to the Second Regular Session of the 124th Legislature upon receipt of the report; and be
2 it further

3 **Sec. 8. Appropriations and allocations. Resolved:** That the following
4 appropriations and allocations are made.

5 **ATTORNEY GENERAL, DEPARTMENT OF THE**

6 **Administration - Attorney General 0310**

7 Initiative: Provides one-time funds to contract for expert assistance in the area of landlord
8 and tenant issues to provide the necessary staffing for the working group.

9	GENERAL FUND	2009-10	2010-11
10	All Other	\$10,000	\$0
11			
12	GENERAL FUND TOTAL	<u>\$10,000</u>	<u>\$0</u>
13			

14 **SUMMARY**

15 This amendment replaces the resolve and changes the title. The amendment directs
16 the Attorney General to convene a working group to study certain issues related to the
17 laws governing landlords and tenants rather than establishing a blue ribbon commission
18 with Legislators as proposed in the bill. The amendment requires the Attorney General to
19 notify members of the Joint Standing Committee on Legal and Veterans Affairs of
20 working group meetings and provide copies of minutes of meetings. The amendment
21 requires the working group to report to the Joint Standing Committee on Legal and
22 Veterans Affairs by January 15, 2010. It also adds an appropriations and allocations
23 section.

24 **FISCAL NOTE REQUIRED**

25 (See attached)



124th MAINE LEGISLATURE

LD 1080

LR 688(03)

Resolve, Establishing the Blue Ribbon Commission To Study Landlord and Tenant Issues

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Legal and Veterans Affairs
Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$10,000	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$10,000	\$0	\$0	\$0

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$10,000 in fiscal year 2009-10 for the Department of the Attorney General to contract for expert assistance in the area of landlord and tenant issues in order to provide the necessary staffing to the working group.

Additional costs to the Maine State Housing Authority to serve on the working group and the costs to the Legislature to provide drafting assistance can be absorbed within existing budgeted resources.