

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 electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1296

H.P. 952

House of Representatives, March 30, 2021

An Act To Guarantee Housing Rights during a State of Civil Emergency

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COLLINGS of Portland.
Cosponsored by Senator BALDACCI of Penobscot and
Representative: TALBOT ROSS of Portland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
4 period in order to protect the health and safety of tenants and maintain their access to
5 housing during the state of emergency that has been declared and renewed by the Governor;
6 and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

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

12 **Sec. 1. 14 MRSA §6016-B** is enacted to read:

13 **§6016-B. Remedy limited during state of emergency**

14 During a state of emergency proclaimed by the Governor pursuant to Title 37-B,
15 section 742, the process of forcible entry and detainer may not be commenced or
16 maintained and judgment for forcible entry and detainer may not be granted for failure of
17 a tenant to pay rent.

18 **Sec. 2. 35-A MRSA §704, sub-§1,** as amended by PL 1999, c. 398, Pt. A, §18 and
19 affected by §§104 and 105, is further amended to read:

20 **1. Residential customers.** The commission shall adopt and promulgate reasonable
21 rules after a hearing concerning the termination or disconnection of any residential
22 customer's service by a transmission and distribution, gas, water or telephone utility of the
23 State. These rules apply generally to all such utilities within the commission's jurisdiction
24 and must provide for adequate written notice by that utility to the residential customer that
25 the customer's utility bill has not been paid, and a notice of the prospective termination or
26 disconnection and the right, prior to disconnection, to enter into reasonable installment
27 payment arrangements with that utility; to settle any dispute concerning the proposed
28 disconnection at an informal hearing with that utility and to appeal the results of that
29 utility's decision to the commission. The rules must also provide that there may be no
30 termination or disconnection during a limited medical emergency and for a just and
31 reasonable procedure regarding reconnections of utility service and deposit requirements.
32 The rules must also provide that there may be no termination or disconnection during a
33 state of emergency proclaimed by the Governor pursuant to Title 37-B, section 742.

34 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
35 takes effect when approved.

36 **SUMMARY**

37 This bill provides that during a state of emergency proclaimed by the Governor, the
38 process of forcible entry and detainer may not be commenced or maintained and judgment
39 for forcible entry and detainer may not be granted for failure of a tenant to pay rent. It also
40 provides that a utility regulated by the Public Utilities Commission may not terminate or
41 disconnect utility service for a residential customer during a state of emergency proclaimed
42 by the Governor.