

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND  
VETERANS' AFFAIRS**

April 2010

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

*Joint Standing Committee on Legal and Veterans Affairs*

**LD 1790**

**An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues**

**PUBLIC 566**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-719 H-743 TRINWARD

This bill implements the unanimous recommendations of the working group to study landlord and tenant issues. The bill does the following.

1. It makes changes to the abandoned and unclaimed property law to simplify the process for landlords and tenants.
2. It makes several changes to update the law and clarify that the provisions apply to written leases and to tenancies at will.
3. It codifies in law the holdings of recent court decisions relating to a landlord's responsibilities to provide reasonable accommodations to a tenant.
4. It requires that a tenant be given written notice of the right to contest an eviction action.
5. It provides a remedy for a tenant if the landlord fails to pay for heat or utilities.
6. It allows a municipality to intervene to provide basic necessities to ensure the habitability of property leased to tenants and gives the municipality a lien against the landlord for the costs. Basic necessities include maintenance, repairs, heat and utilities for which a landlord or tenant is responsible.
7. It establishes the duties of a landlord and tenant when a dwelling unit has a bedbug infestation.
8. Under current law, a tenant may make minor repairs and deduct the costs from rent up to \$500 or 1/2 a month's rent. The bill allows a tenant to deduct from rent the full cost associated with making necessary repairs to property in foreclosure if the landlord fails to maintain the property.

**Committee Amendment "A" (H-719)**

This amendment does the following.

1. It clarifies the duty of a landlord with regard to the conditional release, sale or disposal of unclaimed property of a tenant.
2. It clarifies that a pest control agent employed by a landlord to control a bedbug infestation must carry liability insurance.
3. It clarifies that a landlord must disclose to a tenant the tenant's costs of compliance for requested bedbug inspection or control measures.
4. It requires that a landlord must notify a tenant of the reasons for and scope of the request for access to premises to inspect for or control an infestation of bedbugs.

## *Joint Standing Committee on Legal and Veterans Affairs*

5. It amends the provision allowing a tenant to make necessary repairs to a property in foreclosure and deduct those costs from monthly rent to remove language referring to a successor to the interest of a landlord and to restrict the amount a tenant may deduct for repair costs from rent to the equivalent of 2 months' rent.
6. It amends the definition of "basic necessities" to clarify that a municipality would not have authority to obtain a lien against a landlord for the costs of basic necessities that are the responsibility of a tenant.
7. It clarifies that a tenant has the ability to recover damages from the landlord for a violation of the security deposit laws.

### **House Amendment "A" (H-743)**

House Amendment "A" repeals a provision that does not conform to changes made in the bill to the Maine Revised Statutes, Title 14, section 6013.

### **Enacted Law Summary**

Public Law 2009, chapter 566 implements the unanimous recommendations of the working group to study landlord and tenant issues. The law makes the following changes to the landlord and tenant laws.

1. The law makes changes to the abandoned and unclaimed property law to simplify the process for landlords and tenants. The law also repeals a provision in Title 33, section 1954 relating to abandoned property held by a landlord that does not conform to the changes made in the law to the Maine Revised Statutes, Title 14, section 6013.
2. The law makes several changes to clarify that statutory provisions apply to written leases and to tenancies at will.
3. The law codifies the holdings of recent court decisions relating to a landlord's responsibilities to provide reasonable accommodations to a tenant.
4. The law requires that a tenant be given written notice of the right to contest an eviction action.
5. The law provides a remedy for a tenant if the landlord fails to pay for heat or utilities.
6. The law allows a municipality to intervene to provide basic necessities to ensure the habitability of property leased to tenants and gives the municipality a lien against the landlord for the costs. Basic necessities include maintenance, repairs, heat and utilities for which a landlord is responsible.
7. The law establishes the duties of a landlord and tenant when a dwelling unit has a bedbug infestation.
8. Under current law, a tenant may make minor repairs and deduct the costs from rent up to \$500 or 1/2 a month's rent. Public Law 2009, chapter 566 allows a tenant to deduct from rent up to an amount equivalent to two months rent for the costs of making necessary repairs to property in foreclosure if the landlord fails to maintain the property.
9. The law clarifies that a tenant has the ability to recover damages from the landlord for a violation of the security deposit laws.