

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Judiciary*

- 10. It repeals the law that requires a landlord to provide financial assistance to tenants to control bed bugs;
- 11. It requires landlords to disclose the cost of the tenant's compliance with the requested inspection or bed bug control measures and allows a landlord to provide financial assistance in preparing the unit for bed bug treatment and provides that the landlord is not liable to provide the tenant with alternate lodging or to replace the tenant's personal property;
- 12. It provides that the presumption of retaliation only applies if the tenant complained about the bed bugs prior to being served with the eviction notice and the presumption of retaliation does not apply if the action for forcible entry and detainer was brought for failure to pay rent or causing substantial damages to the premises;
- 13. It provides that a prospective tenant who would be paying for a utility has the right to obtain from the regulated utility or the vendor the amount of consumption for the prior 12 months;
- 14. It requires the landlord to provide an energy efficiency disclosure statement to the tenant or lessee who is paying for an energy supply for the unit or upon the request of a tenant or lessee;
- 15. It allows a landlord to either place a disclosure of the tenant's right to obtain the energy use history of the rental unit in the application or give the tenant the energy efficiency disclosure statement; and
- 16. It removes the requirement that the landlord post the disclosure statement in a prominent location in the property that is being offered for rent or lease and reduces the time a landlord must retain the statement signed by the tenant from a minimum of 7 years to 3 years.

**LD 1199**

**An Act To Expedite the Eviction Process in Certain Types of Cases**

**ONTP**

Sponsor(s)

CELLI

Committee Report

ONTP

Amendments Adopted

Current law allows a tenant who is at least 7 days in arrears in the payment of rent to pay the full amount of rent due by the expiration of the notice of the termination of tenancy, in which case the notice is void.

This bill amends the forcible entry and detainer process to give the landlord the choice as to whether to allow an opportunity to cure an arrearage of 7 or more days in the payment of rent if the tenant has paid rent for 2 or fewer months.

It direct the court to establish an expedited process to handle the determination of the cases in which the tenant has paid rent for 2 or fewer months and is at least 7 days in arrears. It requires the hearing on the complaint to be held no later than 5 days after the return day. This bill also provides that if the landlord is successful in the action, either because the tenant fails to appear and is defaulted or because the court determines that the tenant failed to show sufficient cause, the court shall issue a judgment for the landlord and shall issue the writ of possession at the time the judgment is issued. Current law delays the writ of possession for 7 days after the judgment.