



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1305

S.P. 448

In Senate, April 2, 2013

An Act To Discourage Tenants from Damaging Rental Property

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative LAJOIE of Lewiston and
Senators: GERZOFSKY of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland.

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

2 **Sec. 1. 14 MRSA §6030-F** is enacted to read:

3 **§6030-F. Unlawful damage by tenant**

4 **1. Unlawful damage by tenant.** A tenant is guilty of unlawful damage by a tenant
5 if:

6 A. Upon the termination of a tenancy, a rental unit rented by the tenant has sustained
7 over \$1,000 in damages, not including normal wear and tear, as defined in section
8 6031, subsection 1, over the amount of the security deposit retained by the landlord
9 under chapter 710-A; and

10 B. The tenant does not pay the damages within 60 days of the date of a notice of the
11 damages properly provided by the landlord under section 6033, subsection 2.

12 Unlawful damage by a tenant is a Class E crime.

13 **2. Subsequent violation.** A 2nd or subsequent violation under this section is a Class
14 D crime.

15 **3. Notice.** A tenant is subject to the provisions of this section if the tenant has been
16 given written notice that contains the statement: "Failure to pay damages of more than
17 \$1,000 over the amount of the security deposit incurred during the tenancy under this
18 lease except for normal wear and tear within 60 days of notice of the damages by the
19 landlord may subject a tenant to criminal prosecution." A statement required by this
20 subsection may be contained in a written lease.

21 **4. Strict liability.** A violation under this section is a strict liability crime as defined
22 in Title 17-A, section 34, subsection 4-A.

23 **SUMMARY**

24 This bill creates the Class E crime of unlawful damage by a tenant if at the
25 termination of a tenancy a rental unit has sustained over \$1,000 worth of damage over the
26 amount of the security deposit and the tenant does not pay the landlord within 60 days'
27 notice of the damage by the landlord. A 2nd or subsequent offense is a Class D crime.