

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1437

H. P. 1228

House of Representatives, April 6, 1977

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Berube of Lewiston.

Cosponsor: Mrs. Najarian of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Create a Landlord's Lien on Personal Property in Leased Premises in Event of Issuance of Writ of Possession or Abandonment by Tenant.

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

14 MRSA § 6013 is enacted to read:

§ 6013. Landlord's lien on personal property of tenant

In the event that a writ of possession is issued pursuant to this chapter, or in the event that the tenant has voluntarily abandoned the leased premises and sums remain due to the landlord for rent of the premises or for damages to the premises, the landlord has a lien on all personal property located in or on the leased premises. If upon 30 days' written notice to the tenant at his last known resident address, such sums due for unpaid rent and damages remain unpaid, the landlord may sell or otherwise dispose of all such personal property located in or on the leased premises and may keep all sums received thereby if not claimed by the owner of such personal property within 90 days of the sale. If the owner of such personal property claims the amount received for such item or items which have been sold or otherwise disposed of, the landlord may deduct and retain an amount not to exceed all sums due the landlord for unpaid rental and damages to the leased premises, plus all costs and expenses related to the sale of all personal property sold hereunder. If the sums due the landlord exceed the amount received for such personal property plus all costs and expenses incurred in the sale or disposition thereof, the tenant remains liable to the landlord for such excess.

STATEMENT OF FACT

The purpose of this bill is to clarify the landlord's rights as to personal property located in leased premises when such tenant has abandoned the premises or when the landlord has obtained a writ of possession to evict the tenant. Under present law, it is unclear what the landlord may do with such personal property. This bill gives such landlords a lien, similar to a mechanic's lien, in such property against which unpaid rental and damages to the leased premises may be deducted. In the event the tenant does not pay the rental and damages, the landlord may sell such property, with proper notice given and deduct from the proceeds the amount due him plus his expenses. The tenant has 90 days to claim the amount the sales price exceeds the amount owed plus expenses. The tenant remains liable for the amount of the unpaid rental, damages and expenses which exceed the proceeds of sale. This procedure gives the landlords a remedy for debts which otherwise have often proved to be uncollectable.