

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 360

S. P. 152

In Senate, January 22, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Minkowsky of Androscoggin.

Cosponsor: Senator Gill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish a Remedy for Illegal Evictions.

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

14 MRSA § 6014 is enacted to read:

§ 6014. Remedies for illegal evictions

1. **Illegal evictions.** Evictions which are effected without resort to the provisions of chapter 709 are illegal and against public policy. Illegal evictions include, but are not limited to, the following.

A. No landlord may willfully cause, directly or indirectly, the interruption or termination of any utility service being supplied to the tenant including, but not limited to water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration, whether or not the utility service is under the control of the landlord, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies.

B. No landlord may willfully seize, hold or otherwise directly or indirectly deny a tenant access to and possession of the tenant's rented or leased premises, other than through proper judicial process.

C. No landlord may willfully seize, hold or otherwise directly or indirectly deny a tenant access to and possession of the tenant's property, other than by proper judicial process.

2. Remedies. Upon a finding that an illegal eviction has occurred, the court shall take one or both of the following actions.

A. The tenant shall recover an amount equal to 2 months rent, or double the amount of actual damages, whichever is greater.

B. The tenant shall recover the aggregate amount of costs and expenses determined by the court to have been reasonably incurred on his behalf in connection with the prosecution or defense of such action, together with a reasonable amount for attorneys' fees.

3. Nonexclusivity. The remedies provided in this section are in addition to any other rights and remedies conferred by law.

STATEMENT OF FACT

Each year, literally hundreds of tenants are illegally evicted from their homes by landlords who lock them out, remove their possessions or cut off heat or other necessary utility services. These actions are clearly illegal under common law, as developed by the courts. There are, however, virtually no remedies for tenants who have been evicted in this way.

This bill would discourage landlords from using self-help evictions in an effort to circumvent the statutory eviction process. While the current statutes provide for notice and a day in court, self-help evictions undermine the rule of law. Establishment of a penalty for these illegal actions would be a disincentive for bad landlords and would encourage the use of appropriate legal proceedings in these situations, where protections are more balanced. It would not affect any landlord who followed the current laws.