

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 335

7 S.P. 120

In Senate, January 31, 1985

8 Submitted by the Office of Public Advocate pursuant to Joint Rule 24.
9 Reference to the Committee on Utilities suggested and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Andrews of Cumberland.

11 Cosponsored by Representative Richard of Madison, Representative
Handy of Lewiston and Senator Baldacci of Penobscot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Protect Tenants when Landlords Fail
18 to Pay Utility Bills.
19

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

22 35 MRSA §316 is enacted to read:

23 §316. Tenants not liable for a landlord's utility
24 bills

25 1. Definitions. As used in this section unless
26 the context otherwise indicates, the following terms
27 have the following meanings.

28 A. "Landlord" means any entity who rents or
29 leases land or structures to others for compensa-
30 tion or any entity who manages or controls such
31 property on behalf of another.

32 B. "Rental property" means property used or oc-
33 cupied by any tenant for which rent is paid to a
34 landlord.

1 C. "Tenant" means any entity who pays rent to
2 any landlord for the use or occupation of any
3 land or structure owned by another or who occu-
4 pies or uses such property, regardless of whether
5 the tenancy is subject to a written lease.

6 2. Disconnection of tenant. In every instance
7 where the landlord has applied for and is granted
8 utility service or is responsible for the payment of
9 that service with respect to any rental property, the
10 utility may not demand payment from the tenant for
11 utility service to the tenant because of the
12 landlord's failure to pay for utility service ren-
13 dered at the rental property. The utility may not
14 disconnect the tenant until the tenant has been given
15 a reasonable opportunity to assume responsibility for
16 future utility service.

17 3. Lien against the rental property. In addi-
18 tion to whatever other legal remedies the utility may
19 have against the landlord who does not pay for utility
20 service provided to rental property, the utility
21 shall have a lien upon the rental property and on any
22 interest the landlord has in the same, to secure pay-
23 ment for utility services thereto, with costs. This
24 lien may be filed, preserved and enforced in the same
25 manner as those liens provided for in Title 10, sec-
26 tions 3251 through 3269.

27 STATEMENT OF FACT

28 There are currently instances where a landlord
29 agrees to provide utility service as part of the
30 monthly rent, but fails to pay the utility. The
31 utility then seeks both disconnection and the recov-
32 ery of the past due amount from the tenant. This
33 bill states that the existing Public Utilities Com-
34 mission policy of allowing the tenant to put future
35 service in his or her name and avoid disconnection
36 shall be preserved; the utility may not seek recovery
37 of the past due bills owed by the landlord from the

1 tenant; and the utility shall have a lien upon the
2 property for nonpayment by the landlord of a utility
3 bill.

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