

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1041

6
7 H.P. 732

House of Representatives, March 13, 1985

8 On motion of Representative Reeves of Pittston, referred to the
9 Committee on Legal Affairs. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

11 Cosponsored by Senator Najarian of Cumberland and Representative
Reeves of Pittston.

12 STATE OF MAINE
13

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

17 AN ACT Concerning Abandoned or Unclaimed
18 Property and Security Deposits in a
19 Landlord and Tenant Agreement.
20

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

23 Sec. 1. 14 MRS §6031, sub-§1, as amended by PL
24 1981, c. 428, §11, is further amended to read:

25 1. Normal wear and tear. "Normal wear and tear"
26 means that deterioration which occurs, based upon the
27 use for which the rental unit is intended, without
28 negligence, carelessness, accident or abuse of the
29 premises or equipment or chattels by the tenant or
30 members of his household or their invitees or guests.
31 The term "normal wear and tear" does not include sums
32 or labor expended by the landlord in removing from
33 the rental unit articles abandoned by the tenant,
34 such as trash, or in complying with Title 33, section
35 1313. If a rental unit was leased to the tenant in a
36 habitable condition or if it was put in a habitable

1 condition by the landlord during the term of the ten-
2 ancy, normal wear and tear does not include sums re-
3 quired to be expended by the landlord to return the
4 rental unit to a habitable condition, unless expendi-
5 ture of these sums was necessitated by actions of the
6 landlord, events beyond the control of the tenant or
7 actions of someone other than the tenant or members
8 of his household or their invitees or guests.

9 Sec. 2. 33 MRSA §1313, sub-§1. as enacted by PL
10 1979, c. 327, §3, is amended to read:

11 1. Presumption of abandonment. All property held
12 by a landlord ~~that~~ and belonging to a tenant, which
13 has been left on the premises after a the tenant has
14 terminated his tenancy or vacated the premises, shall
15 be presumed abandoned if it has not been claimed
16 within 30 days of the termination, vacating or ser-
17 vice of a writ of possession.

18 Sec. 3. 33 MRSA §1313, sub-§2, ¶D, as enacted by
19 PL 1979, c. 327, §3, is amended to read:

20 D. The landlord may apply any proceeds from the
21 sale or from a retained security deposit pursuant
22 to Title 14, section 6031, subsection 1, to:

- 23 (1) The expenses of notice and sale;
- 24 (2) The amount of rent unpaid and due; and
- 25 (3) The expense of damages to the premises
26 by the tenant for which he has not been com-
27 pensated.

1

STATEMENT OF FACT

2

The purpose of this bill is to allow landlords to
3 use a portion of any retained security deposit to
4 offset costs involved in disposing of tenants' aban-
5 doned property.

6

1656021985