# MAINE STATE LEGISLATURE

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## 114th MAINE LEGISLATURE

### FIRST REGULAR SESSION - 1989

**Legislative Document** 

No. 743

H.P. 546

House of Representatives, March 9, 1989

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

EDWIN H. PERT, Clerk

Presented by Representative MURPHY of Berwick.
Cosponsored by Representative PAUL of Sanford.

#### STATE OF MAINE

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

An Act to Clarify the Landlord's Duty to Mitigate Damages.



1	Be it enacted by the People of the State of Maine as follows:
3	14 MRSA §6010-A, sub-§5 is enacted to read:
5	5. Liquidated damages. A clause in a written lease whereby
	a tenant is obligated to a landlord for up to the equivalent of 2
7	months' rent shall be presumed to be valid and enforceable in all
	cases when the tenant unjustifiably moves from the premises prior
9	to the effective date for termination of tenancy and defaults in
	payment of rent or when the tenant is removed for failure to pay
ļl	rent or any other breach of a lease. Recovery of damages beyond
	that specified in such a liquidated damages clause shall not be
13	available to a landlord without compliance with the other
	provisions of this section.
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### STATEMENT OF FACT

This bill would make unenforceable lease provisions that establish liquidated damages amounts greater than the equivalent of 2 months' rent. For a landlord to recover any greater amount, the landlord would be obligated to prove having taken all reasonable steps to mitigate damages.