

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 860

S.P. 323

In Senate, March 21, 1989

Submitted by the Public Utilities Commission pursuant to Joint Rule 24.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOST of Penobscot.

Cosponsored by Representative CLARK of Millinocket, Representative ADAMS of Portland and Representative HOLT of Bath.

STATE OF MAINE

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

An Act Establishing the Rights of Tenants when the Landlord Fails to Pay Utility Bills.



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

3 Sec. 1. 14 MRSA §6024-A is enacted to read:

5 §6024-A. Landlord failure to pay for utility service

7 If a landlord fails to pay for utility service in the name
9 of the landlord, the tenant, in accordance with Title 35-A,
11 section 706, may pay for the utility service and deduct the
13 amount paid from the rent due to the landlord.

15 Sec. 2. 35-A MRSA §706, sub-§2, as enacted by PL 1987, c. 141,
17 Pt. A, §6, is amended to read:

19 2. Disconnection of tenant. In every instance where the
21 landlord has applied for and is granted utility service, the
23 landlord is responsible for payment for that service with respect
25 to any rental property. The utility may not demand payment from
27 the tenant for utility service to the tenant because of the
landlord's failure to pay for utility service rendered at the
rental property. The utility may disconnect the tenant only after
affording the tenant notice and opportunity to assume
responsibility for future service in accordance with the rules of
the commission. Any tenant who has assumed responsibility for
future service under this section and paid all or any portion of
the utility service for the rental property to a utility may
deduct the amount paid from any rent due to the landlord.

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31 STATEMENT OF FACT

33 This bill addresses the situation in which a tenant assumes
35 responsibility for future utility service to rental property when
37 a utility has initiated disconnection action against the landlord
who has failed to pay for utility service for which the landlord
is responsible. The bill allows the tenant to deduct the amounts
paid to the utility from the rental payments to the landlord.