

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 636

S.P. 200

In Senate, February 23, 1993

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**An Act to Prohibit the Charging of Rents in Advance.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator O'DEA of Penobscot.  
Cosponsored by Representative: STEVENS of Orono.

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

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4           Sec. 1. 14 MRSA §6031, sub-§2, as enacted by PL 1977, c. 359,  
is amended to read:

6           2. **Security deposit.** "Security deposit" means any advance  
8 or deposit, regardless of its denomination, of money, the primary  
function of which is to secure the performance of a rental  
10 agreement for residential premises or any part thereof. Rent  
collected for a rental period, other than the rental period  
12 beginning immediately after the collection of rent, is part of  
the security deposit. For purposes of this definition, a rental  
14 period may not exceed one month.

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#### STATEMENT OF FACT

18           This bill clarifies that an advance rent payment is part of  
the tenant's security deposit, since it is held to secure  
20 performance of the rental agreement. This makes clear that the  
collection of advance rent is limited by the current law limiting  
22 security deposit to 2 months' rent. Advance rent does not  
include rent collected for the next upcoming rental period, such  
24 as rent collected on the last day of a month to pay for the  
upcoming month. A landlord may not, however, justify the  
26 collection of several months' rent as the initial rental  
collection by considering the rental period to be longer than one  
28 month.