

MAINE STATE LEGISLATURE

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R. of S.

L.D. 338

DATE: April 4, 1995

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LEGAL AND VETERANS AFFAIRS

Reported by: Senator FERGUSON of Oxford for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 152, L.D. 338, Bill, "An Act to Amend the Laws Pertaining to the Return of Security Deposits and Nonpayment of Rent or Utility Charges"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 14 MRSA §6034, as enacted by PL 1977, c. 359, is amended to read:

§6034. Wrongful retention; damages

1. Notice to landlord of intention to bring suit; presumption on failure to return deposit. Should ~~If~~ the landlord ~~fail~~ fails to return the security deposit and provide the itemized statement within the time periods in section 6033, the tenant shall give notice to the landlord of ~~his~~ the tenant's intention to bring a legal action no less than 7 days prior to commencing the action. Should ~~If~~ the landlord ~~fail~~ fails to return the entire security deposit within the 7-day period, it ~~shall-be is~~ is presumed that the landlord is ~~willfully-and-wrongly~~ wrongfully retaining the security deposit.

2. Double damages for wrongful retention. The ~~willful~~ wrongful retention of a security deposit in violation of this chapter ~~shall-render~~ renders a landlord liable for double the amount of that portion of the security deposit wrongfully withheld from the tenant, together with reasonable attorney's fees and court costs.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 152, L.D. 338

2 **3. Burden of proof.** In any court action brought by a
3 tenant under this section, the landlord ~~shall bear~~ has the burden
4 of proving that ~~his~~ the landlord's withholding of the security
5 deposit, or any portion of it, was not wrongful.'

6

STATEMENT OF FACT

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10 This amendment makes the language in the Maine Revised
11 Statutes, Title 14, section 6034 consistent by eliminating all
12 references to "willfully" retaining a security deposit.