

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 215

H.P. 176

House of Representatives, February 5, 2013

An Act To Protect Landlords When Tenants Fail To Pay Utility Bills

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MALABY of Hancock.
Cosponsored by Senator CUSHING of Penobscot and
Representatives: DUNPHY of Embden, LIBBY of Waterboro, LOCKMAN of Amherst,
MacDONALD of Old Orchard Beach, MAKER of Calais, POULIOT of Augusta, TURNER of
Burlington, WEAVER of York.

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

2 **Sec. 1. 14 MRSA §6002, sub-§1, ¶¶B and C**, as enacted by PL 2009, c. 171,
3 §2, are amended to read:

4 B. The tenant, the tenant's family or an invitee of the tenant caused or permitted a
5 nuisance within the premises, has caused or permitted an invitee to cause the
6 dwelling unit to become unfit for human habitation or has violated or permitted a
7 violation of the law regarding the tenancy; ~~or~~

8 C. The tenant is 7 days or more in arrears in the payment of rent; or

9 **Sec. 2. 14 MRSA §6002, sub-§1, ¶D** is enacted to read:

10 D. The tenant's failure to pay utility bills has resulted in the disconnection of utility
11 service.

12 **Sec. 3. 35-A MRSA §704, sub-§1-A** is enacted to read:

13 **1-A. Property protection agreement.** A landlord may enter into a property
14 protection agreement with a utility serving leased or rented property owned by the
15 landlord to protect the leased or rented property from damage or danger if the tenant fails
16 to pay the utility bill and the utility is authorized to terminate or disconnect service to the
17 property. The property protection agreement must provide that:

18 A. The landlord must pay a deposit to the utility to cover the costs of property
19 protection authorized under this section;

20 B. The utility must notify the landlord if the property is subject to termination or
21 disconnection of service due to the failure of the tenant to pay utility bills;

22 C. If approved by the landlord, the utility may apply the deposit to cover the costs of
23 notice to the landlord and of continuation of utility service to the property if the
24 property is subject to termination or disconnection of service due to the failure of the
25 tenant to pay utility bills; and

26 D. The landlord may request that the utility bill subsequent utility service to the
27 landlord.

28 The landlord may recover from the tenant any amount paid from the utility deposit
29 applied to protect the landlord's property under paragraph C and, if the rental agreement
30 required the tenant to pay for utility service, any amount paid by the landlord for
31 subsequent utility service under paragraph D.

32 **SUMMARY**

33 This bill provides that a landlord may pay a deposit to a utility to protect the
34 landlord's property from the termination or disconnection of utility service due to
35 nonpayment of utility bills by a tenant. The deposit may be used to continue service and
36 the landlord is authorized to recover costs from the tenant. The bill also provides that a
37 tenancy may be terminated upon 7 days' written notice if the landlord can show that the
38 tenant's failure to pay utility bills has resulted in the disconnection of utility service.