

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1102

H.P. 776

House of Representatives, March 21, 2017

### **An Act To Discourage Tenants from Damaging Rental Property**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative WADSWORTH of Hiram.  
Cosponsored by Senator CUSHING of Penobscot and  
Representatives: AUSTIN of Gray, HANLEY of Pittston, HARRINGTON of Sanford,  
HARVELL of Farmington, O'CONNOR of Berwick, STETKIS of Canaan.

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

2 **Sec. 1. 14 MRSA §6030-G** is enacted to read:

3 **§6030-G. Unlawful damage by tenant**

4 **1. Unlawful damage by tenant.** A tenant is guilty of unlawful damage by a tenant  
5 if:

6 A. Upon the termination of a tenancy, a rental unit rented by the tenant has sustained  
7 over \$1,000 in damage, not including normal wear and tear as defined in section  
8 6031, subsection 1, over the amount of the security deposit retained by the landlord  
9 under chapter 710-A; and

10 B. The tenant does not pay the repair cost of the damage within 60 days of the date  
11 of a notice of the damage properly provided by the landlord under section 6033,  
12 subsection 2.

13 Unlawful damage by a tenant is a Class E crime.

14 **2. Subsequent violation.** A 2nd or subsequent violation under this section is a Class  
15 D crime.

16 **3. Notice.** A tenant is subject to the provisions of this section if the tenant has been  
17 given written notice that contains the statement: "Failure to pay damages of more than  
18 \$1,000 over the amount of the security deposit incurred during the tenancy under this  
19 lease except for normal wear and tear within 60 days of notice of the damage by the  
20 landlord may subject a tenant to criminal prosecution." The statement required by this  
21 subsection may be contained in a written lease.

22 **4. Strict liability.** A violation under this section is a strict liability crime as defined  
23 in Title 17-A, section 34, subsection 4-A.

24 **SUMMARY**

25 This bill creates the Class E crime of unlawful damage by a tenant if at the  
26 termination of a tenancy a rental unit has sustained over \$1,000 worth of damage over the  
27 amount of the security deposit and the tenant does not pay the landlord within 60 days'  
28 notice by the landlord of the damage. A 2nd or subsequent offense is a Class D crime.