



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 215

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H.P. 176

House of Representatives, February 5, 2013

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

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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.

