

Maine Lien Law

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Chapter 212: SELF-SERVICE STORAGE ACT (HEADING: PL 1989, c. 62 (new))

§1371. Short title

This Act shall be known and may be cited as the "Maine Self-service Storage Act." [1989, c. 62 (new).]

§1372. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 62 (new).]

1. Default. "Default" means the failure to perform on time any obligation or duty set forth in the rental agreement. [1989, c. 62 (new).]
2. Last known address. "Last known address" means that address provided by the occupant in the rental agreement or the address provided by the occupant in a subsequent written notice of a change of address. [1989, c. 62 (new).]
- 2-A. Late fee. "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent or costs associated with the enforcement of any other remedy provided by statute or contract. [2003, c. 274, §1 (new).]
3. Leased space. "Leased space" means the individual storage space at the self-service facility which is rented to an occupant under a rental agreement. [1989, c. 62 (new).]
4. Occupant. "Occupant" means a person, a sublessee, successor or assignee, entitled to the use of a leased space at a self-service storage facility under a rental agreement. [1989, c. 62 (new).]
5. Operator. "Operator" means the owner, operator, lessor or sublessor of a self-service storage facility, an agent or any other person authorized to manage the facility. Operator does not mean a warehouseman, unless the

operator issues a warehouse receipt, bill of lading or other document of title for the personal property stored. [1989, c. 62 (new).]

6. Personal property. "Personal property" means movable property, not affixed to land. Personal property includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft and household items and furnishings. [1989, c. 62 (new).]

7. Rental agreement. "Rental agreement" means any written agreement that establishes or modifies the terms, conditions or rules concerning the use and occupancy of a self-service storage facility. [1989, c. 62 (new).]

8. Self-service storage facility. "Self-service storage facility" means any real property used for renting or leasing individual storage spaces under a written rental agreement in which the occupants themselves customarily store and remove their own personal property on a self-service basis. [1989, c. 62 (new).]

§1373. Restrictions of use

1. Operator not to permit use for residential purposes. An operator may not knowingly permit a leased space at a self-service storage facility to be used for residential purposes. [1989, c. 62 (new).]

2. Occupant not to use for residential purposes. An occupant may not use a leased space for residential purposes. [1989, c. 62 (new).]

3. Occupant not to store certain goods. An occupant is prohibited from storing goods that have a dangerous, harmful, offensive or noxious impact on the self-service storage facility or its surroundings or are a nuisance to self-service storage facility occupants, the operator or operator's employees. [1989, c. 62 (new).]

A. If the operator has reason to believe that an occupant is storing goods that have resulted in a condition described in this subsection, the operator may remove and dispose of the goods thus causing that condition. [1989, c. 62 (new).]

B. Before disposing of goods under this subsection, the operator shall:

(1) Notify the occupant of the condition by regular mail at the occupant's last known address or other address set forth by the occupant in the rental agreement;

(2) Inspect the leased space at least 7 days following the notice to the occupant; and

(3) Determine whether a condition described in this subsection exists. [1989, c. 62 (new).]

C. Notwithstanding paragraph B, an operator may immediately dispose of goods under this section if they constitute a threat to health, safety or welfare. The operator shall immediately notify the occupant of this action following the procedures of paragraph B, subparagraph (1). [1989, c. 62 (new).]

§1374. Lien

1. Lien created. The operator of a self-service storage facility has a lien on all personal property stored within each

leased space for rent, labor or other charges, and for expenses reasonably incurred in its sale, as provided in this Act. [1989, c. 62 (new).]

2. Statement in rental agreement. The rental agreement must contain a statement, in bold type, advising the occupant: [1989, c. 62 (new).]

A. Of the existence of the lien; [1989, c. 62 (new).]

B. That property stored in the leased space may be sold to satisfy the lien if the occupant is in default; and [1989, c. 62 (new).]

C. That a sale shall be held at the self-service storage facility where the personal property is stored or at the nearest suitable location. [1989, c. 62 (new).]

§1375. Enforcement of lien

1. Sale; use of proceeds. If the occupant is in default for a period of more than 45 days, the operator may enforce a lien by selling the property stored in the leased space at a public or private sale for cash. Proceeds shall then be applied to satisfy the lien, with any surplus disbursed as provided in subsection 5. [1989, c. 62 (new).]

2. Notice; advertisement. As soon as the occupant is in default and before conducting a sale under subsection 1, the operator shall: [1989, c. 62 (new).]

A. Send a notice of default by regular mail and by certified mail to the occupant at the occupant's last known address or other address set forth by the occupant in the rental agreement which includes:

(1) A statement that the contents of the occupant's leased space are subject to the operator's lien;

(2) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges which shall become due before the date of sale and the date those additional charges shall become due;

(3) A demand for payment of the charges due within a specified time, not less than 14 days after the date of the notice;

(4) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold, specifying the time and place; and

(5) The name, street address and telephone number of the operator, or the operator's designated agent, whom the occupant may contact to respond to the notice; and [1989, c. 62 (new).]

B. Publish an advertisement of the sale once a week for 2 consecutive weeks in a newspaper of general circulation in the city or town where the sale is to be held. The advertisement must include a general description of the property as set forth in the rental agreement, the name of the person on whose account it is being held and the time and place of the sale. The sale must take place at least 15 days after the first publication. [1989, c. 62 (new).]

3. Redemption of property. At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien and redeem the occupant's personal property. [1989, c. 62 (new).]
4. Location of sale. A sale under this section shall be held at the self-service storage facility or at the nearest suitable place to where the personal property is stored. [1989, c. 62 (new).]
5. Distribution of proceeds. If a sale is held under this section, the operator shall: [1989, c. 62 (new).]
 - A. Satisfy the lien from the proceeds of the sale; and [1989, c. 62 (new).]
 - B. Hold the balance, if any, for delivery on demand to the occupant or any other recorded lienholders. [1989, c. 62 (new).]
6. Insufficient process. If proceeds of the sale are not sufficient to satisfy the occupant's outstanding obligations to the operator, the occupant shall remain liable to the operator for such deficiency. [1989, c. 62 (new).]
7. Purchasers. A purchaser in good faith of any personal property sold under this Act takes the property free and clear of any rights of: [1989, c. 62 (new).]
 - A. Persons against whom the lien was valid; and [1989, c. 62 (new).]
 - B. Other lienholders. [1989, c. 62 (new).]
8. Operator liability. If the operator complies with the provisions of this Act, the operator's liability: [1989, c. 62 (new).]
 - A. To the occupant shall be limited to the net proceeds received from the sale of the personal property; and [1989, c. 62 (new).]
 - B. To other lienholders shall be limited to the net proceeds received from the sale of any personal property covered by that other lien. [1989, c. 62 (new).]
9. Denying occupant access to leased space. If an occupant is in default, the operator, by making provision in the written rental agreement, may deny the occupant access to the leased space, provided that the occupant may arrange to have access solely to view and verify the contents of the leased space. Such access must be arranged with the facility office during normal business hours. [1989, c. 62 (new).]
10. Notices; certified or registered mail. Unless otherwise specifically provided, all notices required by this Act shall be sent by certified or registered mail. [1989, c. 62 (new).]
 - A. Notices sent to the operator shall be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant shall be sent to the occupant at the occupant's last known address. Notices shall be deemed delivered when deposited with the United States Postal Service, properly addressed as provided in subsection 2, with postage paid. [1989, c. 62 (new).]
11. Control of property in leased space. Unless the rental agreement of this Act specifically provides otherwise,

until a lien sale under this Act, the exclusive care, custody and control of all personal property stored in the leased self-service storage space remains vested in the occupant. [1989, c. 62 (new).]

12. Savings clause. All rental agreements, entered into before the effective date of this Act which have not been extended or renewed after that date, shall remain valid and may be enforced or terminated in accordance with their terms or as permitted by any other law of this State. [1989, c. 62 (new).]

§1376. Late fees

1. Imposition of late fee. An operator may impose a reasonable late fee in accordance with this section for each service period that an occupant does not pay rent when due, as long as the due date for the rental payment is not earlier than the day before the first day of the service period to which the rental payment applies. A late fee may not be imposed if the occupant makes a rental payment in full by the 3rd day after the due date. [2003, c. 274, §2 (new).]

2. Conditions in writing. An operator may not impose a late fee unless the amount of that fee and the conditions for imposing that fee are stated in 12-point type in a written rental agreement or an addendum to that agreement.[2003, c. 274, §2 (new).]

3. Permissible late fees. A late fee of \$20 for each late rental payment or 20% of the amount of each rental payment, whichever is greater, is reasonable and does not constitute a penalty. [2003, c. 274, §2 (new).]

4. Recovery of reasonable expenses. An operator may recover from the occupant any reasonable expense incurred in rent collection or lien enforcement in addition to the late fee permitted by subsection 1. [2003, c. 274, §2 (new).]