**§2-1528. Lessor's damages for nonacceptance, failure to pay, repudiation or other default**

**(1).**  Except as otherwise provided with respect to damages liquidated in the lease agreement (section 2‑1504) or otherwise determined pursuant to agreement of the parties, (section 1‑1302 and section 2‑1503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under section 2‑1527, subsection (2), or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in section 2‑1523, subsection (1) or section 2‑1523, subsection (3), paragraph (a), or, if agreed, for other default of the lessee:

(a). Accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor; [PL 1991, c. 805, §4 (NEW).]

(b). The present value as of the date determined under this subsection of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term; and [PL 1991, c. 805, §4 (NEW).]

(c). Any incidental damages allowed under section 2‑1530 minus expenses saved in consequence of the lessee's default. [PL 1991, c. 805, §4 (NEW).]

[PL 2009, c. 325, Pt. B, §13 (AMD); PL 2009, c. 325, Pt. B, §27 (AFF).]

**(2).**  If the measure of damages provided in subsection (1) is inadequate to put a lessor in as good a position as performance would have, the measure of damages is the present value of the profit, including reasonable overhead, the lessor would have made from full performance by the lessee together with any incidental damages allowed under section 2‑1530, due allowance for costs reasonably incurred and due credit for payments or proceeds of disposition.

[PL 1991, c. 805, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 805, §4 (NEW). PL 2009, c. 325, Pt. B, §13 (AMD). PL 2009, c. 325, Pt. B, §27 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1. 2023
 . The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.