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Law At Work For Landlords and Small Businesses Since 1992

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VIA .pdf

Hon. Anne Carney and Hon. Amy Kuhn
Standing Committee on the Judiciary
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

RE: LD 1750 – An Act To Require the Attorney General to Create and Update Biennially A Model Residential Lease

Senator Carney, Representative Kuhn and Honorable Members of the Judiciary Committee:

I write on behalf of my client, 650 Main, LLC, in support of LD 1750 – An Act To Require the Attorney General to Create and Update Biennially A Model Residential Lease. Please accept my regrets for not being able to present this testimony at hearing on April 28th; I logged on for the morning session to do so but was in court during the afternoon session when LD 1750 was actually taken up.

Here, in brief, is the context: Landlording is the most heavily-regulated unlicensed commercial activity in Maine. Landlords swim in a river of law and regulation, and the currents change constantly. The laws and rules can be dramatically different when you cross the bridge, and then again at the next bridge too. The result is that sound landlord work isn't neurosurgery but there are countless ways to do it "almost correctly."

Enter the Attorney General's form lease. The landlords who eschew a professionally-drawn lease in favor of the AG's form lease tend to be the smaller and less-organized landlords. *Everyone who downloads the AG's form lease thinks they have gotten a fair, comprehensive, neutral, up-to-date lease.*

Unfortunately, sometimes that's not the case. The AG's lease form gets updated whenever the Attorney General's office can spare someone to do so, which is less often than the laws change. It does not tell landlords and tenants, "Check closely before use: This form might not comply with the ordinances of the town you're renting in." It certainly doesn't tell them, "If the tenant participates in any Federally-subsidized program that 7-day notice language is illegal."

I have briefly reviewed Attorney General Frey's written testimony. My response is that **an incomplete, out-of-date model lease is worse than no model lease**. If the Attorney General's office says they can't spare the staff or time to update their form every two years, I

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believe them. Sadly, that would mean that the AG's form lease has outlived its moment and should be scrapped altogether.

But my client and I would much rather see the State put a modest, fair effort into an updated, fair model form. LD 1750 goes a long way in the direction of making sure that Maine landlords and Maine tenants get that. And I respectfully submit that a couple of meetings every two years is a modest required investment for the Attorney General's office, even acknowledging their exceptionally-heavy workload.

My client and I encourage the Committee to vote "Ought To Pass" for LD 1750. Many thanks for your time and attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Samuel M. Sherry". The signature is fluid and cursive, with a long horizontal stroke at the end.

Samuel M. Sherry

cc: 650 Main, LLC