

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 586

H. P. 466

House of Representatives, February 15, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jacques of Lewiston.

Cosponsors: Mr. Simon of Lewiston and Mr. Jacques of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Causes for a Seven Day Notice of Termination of Tenancy.

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

14 MRSA § 6002, sub-§ 1, as amended by PL 1977, c. 441, is further amended to read:

1. **Causes for 7-day notice of termination of tenancy.** Notwithstanding any other provisions of this chapter, in the event that the landlord can show, by affirmative proof, that the tenant, the tenant's family or an invitee of the tenant has caused substantial damage to the demised premises which the tenant has not repaired or caused to be repaired before the giving of the notice provided in this subsection, has caused or permitted a nuisance within said premises, or has violated or permitted a violation of the law regarding said tenancy, or when the tenant is 14 days or more in arrears in payment of his rent, the tenancy may be terminated by the landlord by 7 days' notice in writing for that purpose given to the tenant, **and in the event that the landlord or his agent have made at least 3 good faith efforts to serve the tenant, that service may be accomplished by leaving the notice at the tenant's last and usual place of abode.** If a tenant, who is 14 days or more in arrears in payment of his rent, pays the full amount of rent due before the expiration of the 7-days' notice in writing, that notice shall be void.

STATEMENT OF FACT

This bill provides that, under the landlord and tenant law, the tenant may be served by leaving notice at the last and usual place of abode after 3 efforts by the landlord or his agent to make service, because there are many instances where the tenant suspecting that an eviction is imminent will move to a friend's home to avoid service of the summons and complaint by the sheriff or by the agent through a constable. There are instances where a landlord has been unable to serve a tenant for up to 3 months due to the fact that the tenant used the apartment solely for storage or for a local address to defraud the Department of Human Services or for illicit purposes at nighttime and that this apartment was not occupied sufficiently to permit the landlord to contact the individual.