

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 877

H. P. 702

House of Representatives, March 1, 1979

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Marshall of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Periodic Tenancy under the Landlord Tenant Law.

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

Sec. 1. 14 MRSA § 6001, first paragraph, is amended by adding at the end a new sentence to read:

A term shall constitute any length of time determined by the lease itself and may be for periods of one day, one week, one month, one year or for several years and the term shall be considered renewable if not expressly stated in the lease itself.

Sec. 2. 14 MRSA § 6001, last ¶, first sentence, as amended by PL 1977, c. 401, § 2, is further amended to read:

Where the tenant proves that within the past ~~6 months~~ **one month** he has filed a complaint pursuant to section 6021 or that he has complained as an individual, or that a complaint has been made in his behalf, in good faith of conditions in or affecting his dwelling unit which may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute, presently or hereafter adopted, to a body charged with enforcement of such code, ordinance, regulation or statute or such a body has filed a notice or complaint of such a violation, a presumption shall arise that the action of forcible entry and detainer was commenced in retaliation for such complaint or notice.

Sec. 3. 14 MRSA § 6001, last ¶, as amended by PL 1977, c. 401, § 2, is further amended by adding at the end a new sentence to read:

If the process of forcible entry and detainer is commenced and subsequently proven on any of the causes of action pursuant to section 6002, then the presumption has been successfully rebutted.

STATEMENT OF FACT

The purpose of this bill is specifically to clarify some very vague provisions in the law wherein certain leases have been monthly renewable leases for the period of one year and at the end of that year the courts have varied in whether a lease was renewed or whether a tenancy at will was created. This bill is further intended to clarify the fact that a lease does not necessarily have to be for one year but will be for the period of the rental amount due, in other words, if a lease is payable on a monthly basis and the term is monthly then the term of the lease is monthly and if no new lease is written up at the end of that monthly period then the lease will be considered renewed rather than a complete lapse and a tenancy at will being created. This entire bill is consistent with many Maine cases, for example, *Moshier V. Redding*, 12 Me. 478 (1835) and *Kelleher V. Fong*, 108 Me. 181 (1911).