

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 605

H.P. 468

House of Representatives, February 23, 1993

An Act Concerning Termination of Tenancies at Will.

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Representative BOWERS of Washington, Senator CAREY of Kennebec.

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

2 Sec. 1. 14 MRSA §6002, first ¶, as amended by PL 1971, c. 544,
4 §§46-A and 47, is further amended to read:

6 Tenancies at will must be terminated by either party by 30
7 days' notice, except as provided in subsection 1, in writing for
8 that purpose given to the other party, ~~and--not--otherwise,~~
9 ~~excepting but if that the landlord or the landlord's agent has~~
10 made at least 3 good faith efforts to serve the tenant, that
11 service may be accomplished by both mailing the notice by first
12 class mail to the tenant's last known address and by leaving the
13 notice at the tenant's last and usual place of abode. In cases
14 where the tenant, if liable to pay rent, shall is not be in
15 arrears at the expiration of the notice, ~~in which case the 30~~
16 days' notice shall must be made to expire upon a rent day,
17 ~~provided that either.~~ Either party may waive in writing said the
18 30 days' notice at the time said the notice is given, and at no
19 other time prior to the giving of such the notice. Such The
20 termination shall is not be affected by the receipt of ~~moneys~~
21 money, whether previously owed or for current use and occupation,
22 until the date a writ of possession is issued against the tenant
23 during the period of actual occupancy after receipt of said the
24 notice. When the tenancy is terminated, the tenant is liable to
25 the process of forcible entry and detainer without further notice
26 and without proof of any relation of landlord and tenant unless
27 he the tenant has paid, after service of the notice, rent that
28 accrued after the termination of the tenancy. These provisions
29 apply to tenancies of buildings erected on land of another
30 party. Termination of the tenancy shall ~~be~~ is deemed to occur at
31 the expiration of the time fixed in the notice.

32
33 STATEMENT OF FACT

36 This bill amends the 30-day notice provision for
37 terminations of tenancies at will to allow service of notice by
38 first class mail to the tenant's last known address and by
39 leaving notice at the tenant's last and usual place of abode,
40 when the landlord has made 3 good faith but unsuccessful efforts
41 to serve the tenant in person. This alternative notice
42 corresponds to that allowed under the Maine Revised Statutes,
43 Title 14, section 6002, subsection 1 for a 7-day notice of
44 termination.