

MAINE STATE LEGISLATURE

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L.D. 1788

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 623, L.D. 1788, Bill, "An Act to Clarify 7-day Evictions in Tenancies at Will"

Amend the bill by inserting after section 1 the following:

Sec. 2. 14 MRSA §6002, sub-§2, as amended by PL 1995, c. 208, §1, is further amended to read:

2. Ground for termination notice. A notice of termination issued pursuant to subsection 1 must indicate the specific ground claimed for issuing the notice. If a ground claimed is rent arrearage of 7 days or more, the notice must also include a statement indicating the amount of the rent that is 7 days or more in arrears as of the date of the notice. A termination notice issued on the ground of rent arrearage must also state the following: "If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void." For all residential tenancies at will, a termination notice issued on the ground of rent arrearage must also state: "After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated." If the notice states an incorrect rent arrearage the notice can not be held invalid if the landlord can show the error was unintentional.

Sec. 3. 14 MRSA §6005, first ¶, as repealed and replaced by PL 1997, c. 683, Pt. A, §6, is amended to read:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " A " to S.P. 623, L.D. 1788

2 When the defendant is defaulted or fails to show sufficient
4 cause, judgment must be rendered against the defendant by the
6 District Court for possession of the premises. Seven calendar
8 days after the judgment is entered, the court shall issue the
10 writ of possession to remove the defendant. The writ may be
12 served by a sheriff or a constable. If at least 3 good faith
14 efforts on 3 different days have been made to serve the
16 defendant, service may be accomplished by both mailing the notice
by first-class mail to the defendant's last known address and
leaving the writ of possession at the defendant's last and usual
place of abode. A writ of possession may not issue in any case
in which the ground for termination of the tenancy at will was
rent arrearage and the defendant paid the amount necessary to
reinstate the tenancy as provided by section 6002.'

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SUMMARY

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This amendment modifies 2 additional provisions of law
relating to tenancies at will to clarify that they apply only to
tenancies at will.

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