

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 222

S.P. 58

In Senate, January 23, 2001

**An Act to Clarify When Notice is Effective for Termination of a Tenancy.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2  
3           **Sec. 1. 14 MRSA §6002, first ¶,** as amended by PL 1995, c. 208,  
4 §1, is further amended to read:

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

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36                               **SUMMARY**

37           This bill clarifies when notice is effective for termination  
38 of a tenancy.