

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1008

H.P. 729

House of Representatives, February 25, 2003

**An Act To Clarify When Notice is Effective to Terminate a Tenancy
at Will**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Cornville.
Cosponsored by President DAGGETT of Kennebec and
Representatives: MILLS of Farmington, SAVIELLO of Wilton.

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

2

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

6 Tenancies at will must be terminated by either party by a
8 minimum of 30 days' notice, except as provided in subsection 1,
10 in writing for that purpose given to the other party, but if the
12 landlord or the landlord's agent has made at least 3 good faith
14 efforts to serve the tenant, that service may be accomplished by
16 both mailing the notice by first class mail to the tenant's last
18 known address and by leaving the notice at the tenant's last and
20 usual place of abode. In cases when the tenant, ~~if liable to pay~~
22 ~~rent, is not in arrears at the expiration of the notice, the 30~~
24 ~~days' notice must be made to expire upon the date rent is due~~ has
26 paid rent through the date when a 30-day notice would expire, the
28 notice must expire on or after the date through which the rent
30 has been paid. Either party may waive in writing the 30 days'
32 notice at the time the notice is given, and at no other time
34 prior to the giving of the notice. A termination based on a
36 30-day notice is not affected by the receipt of money, whether
previously owed or for current use and occupation, until the date
a writ of possession is issued against the tenant during the
period of actual occupancy after receipt of the notice. When the
tenancy is terminated, the tenant is liable to the process of
forcible entry and detainer without further notice and without
proof of any relation of landlord and tenant unless the tenant
has paid, after service of the notice, rent that accrued after
the termination of the tenancy. These provisions apply to
tenancies of buildings erected on land of another party.
Termination of the tenancy is deemed to occur at the expiration
of the time fixed in the notice.

34

SUMMARY

36

38 This bill provides that a tenant is entitled to occupancy
40 through the date for which rent has been paid, but a notice to
42 vacate on any day after such a date will still be effective so
long as it is given at least 30 days in advance. Current law
requires the 30 days' notice to expire upon the date rent is due.

42