

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 383

S.P. 130

January 26, 2007

### An Act To Amend the Landlord-tenant Laws

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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 COURTNEY of York.

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

2 **Sec. 1. 14 MRSA §6002, first ¶**, as amended by PL 2003, c. 296, §1, is further  
3 amended to read:

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

22 **Sec. 2. 14 MRSA §6002, sub-§1-A** is enacted to read:

23 **1-A. Optional expedited procedure.** Notwithstanding any other provision of this  
24 subchapter, this subsection sets out optional expedited procedures for terminations of  
25 tenancy under this section.

26 A. When 7-day notice is given under subsection 1 for causing substantial damage to  
27 the demised premises or for being 7 days or more in arrears in the payment of rent, at  
28 the expiration of the notice period the landlord may file with the court for a writ of  
29 possession.

30 (1) With regard to a termination for being 7 days or more in arrears in the  
31 payment of rent, the writ of possession under this paragraph must be issued by  
32 the court within one work day of the filing date unless the tenant applies to the  
33 court for a hearing, based on a good cause defense, and pays to the court in  
34 escrow for the landlord the full amount of the overdue rent and any associated  
35 fees paid by the landlord. After receiving the application for a hearing from the  
36 tenant and payment by the tenant of all amounts owed under this paragraph, the  
37 court shall schedule a hearing within 10 days and forward the amounts paid by  
38 the tenant to the landlord.

39 (2) With regard to a termination for substantial damages to the demised  
40 premises, the writ of possession under this paragraph must be issued by the court  
41 and may be relied upon by the landlord to execute the writ of possession.

