

MAINE STATE LEGISLATURE

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Date: 5/23/19 Majority

LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 232, L.D. 308, Bill, "An Act To Increase Notification Time Periods for Rent Increases and Terminations of Tenancies at Will"

Amend the bill by striking out the title and substituting the following:

'An Act To Authorize Municipalities To Increase Notification Time Periods for Rent Increases and Terminations of Tenancies at Will'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 14 MRSA §6002, first ¶, as amended by PL 2015, c. 293, §6, is further amended to read:

Tenancies at will must be terminated by either party by a minimum of 30 days' notice, except as provided in subsections 2 and 4 and except that a municipality may require a minimum notice period for termination of a tenancy at will under this paragraph that is greater than 30 days as long as the minimum notice period required by the municipality is not greater than 60 days, in writing for that purpose given to the other party, but if the landlord or the landlord's agent has made at least 3 good faith efforts to serve the tenant, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode. In cases when the tenant has paid rent through the date when a ~~30-day~~ the notice required under this paragraph would expire, the notice must expire on or after the date through which the rent has been paid. Either party may waive in writing the ~~30-days'~~ notice required under this paragraph at the time the notice is given, and at no other time prior to the giving of the notice. A termination based on a ~~30-day~~ the notice required under this paragraph 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

COMMITTEE AMENDMENT

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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. ~~A 30-day~~ The notice required under this paragraph and a 7-day notice under subsection 2 may be combined in one notice to the tenant.

Sec. 2. 14 MRSA §6015, as amended by PL 2003, c. 259, §1, is further amended to read:

§6015. Notice of rent increase

Rent charged for residential estates may be increased by the lessor only after providing at least 45 days' written notice to the tenant, except that a municipality may require a minimum notice period for a rent increase under this section that is greater than 45 days as long as the minimum notice period required by the municipality is not greater than 75 days. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this section is liable for the return of any sums unlawfully obtained from the lessee, with interest, and reasonable attorney's fees and costs.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the title and the bill and authorizes a municipality to increase from 30 days up to 60 days the notice that a party must provide to terminate a tenancy at will. It also authorizes a municipality to increase from 45 days up to 75 days the notice that a landlord must provide to increase the rent of a residential tenant.