

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 804

H.P. 493

House of Representatives, February 21, 2023

An Act to Increase the Time Period for Notice to Terminate a Tenancy at Will

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative KESSLER of South Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: CLOUTIER of Lewiston, GATTINE of Westbrook, GERE of
Kennebunkport, ROEDER of Bangor, SALISBURY of Westbrook, SHAGOURY of
Hallowell, Speaker TALBOT ROSS of Portland, Senator: HICKMAN of Kennebec.

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 2015, c. 293, §6, is further
3 amended to read:

4 Tenancies at will must be terminated by either party by a minimum of ~~30~~ 90 days'
5 notice, except as provided in subsections 2 and 4, in writing for that purpose given to the
6 other party, but if the landlord or the landlord's agent has made at least 3 good faith efforts
7 to serve the tenant, that service may be accomplished by both mailing the notice by first
8 class mail to the tenant's last known address and by leaving the notice at the tenant's last
9 and usual place of abode. In cases when the tenant has paid rent through the date when a
10 ~~30-day~~ 90-day notice would expire, the notice must expire on or after the date through
11 which the rent has been paid. Either party may waive in writing the ~~30~~ 90 days' notice at
12 the time the notice is given, and at no other time prior to the giving of the notice. A
13 termination based on a ~~30-day~~ 90-day notice is not affected by the receipt of money,
14 whether previously owed or for current use and occupation, until the date a writ of
15 possession is issued against the tenant during the period of actual occupancy after receipt
16 of the notice. When the tenancy is terminated, the tenant is liable to the process of forcible
17 entry and detainer without further notice and without proof of any relation of landlord and
18 tenant unless the tenant has paid, after service of the notice, rent that accrued after the
19 termination of the tenancy. These provisions apply to tenancies of buildings erected on
20 land of another party. Termination of the tenancy is deemed to occur at the expiration of
21 the time fixed in the notice. A ~~30-day~~ 90-day notice under this paragraph and a 7-day notice
22 under subsection 2 may be combined in one notice to the tenant.

23 **SUMMARY**

24 Current law provides that for either party to terminate a tenancy at will, the party is
25 required to provide a minimum of 30 days' notice. This bill increases that period of time to
26 90 days.