

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

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

Sec. 1. 14 MRSA §6002, sub-§1, as amended by PL 1995, c. 208, §1, is further amended to read:

1. Causes for 7-day notice of termination of tenancy. Notwithstanding any other provisions of this chapter, in the event that the landlord can show, by affirmative proof, that the tenant, the tenant's family or an invitee of the tenant has caused substantial damage to the demised premises that the tenant has not repaired or caused to be repaired before the giving of the notice provided in this subsection, has caused or permitted a nuisance within the premises, has caused or permitted an invitee to cause the dwelling unit to become unfit for human habitation or has violated or permitted a violation of the law regarding the tenancy, or when the tenant is 7 days or more in arrears in the payment of rent, the tenancy may be terminated by the landlord by 7 days' notice in writing for that purpose given to the tenant, and in the event that 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. If a tenant, who is 7 days or more in arrears in the payment of rent, pays the full amount of rent due before the expiration of the 7-day notice in writing, that notice is void. Thereafter, in all residential tenancies at will, if the tenant pays all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually expended by the landlord before the issuance of the writ of possession as provided by section 6005, then the tenancy must be reinstated and no writ of possession may issue. Payment or written assurance of payment through the general assistance program, as authorized by the State or a municipality pursuant to Title 22, chapter 1161, has the same effect as payment in cash.

Sec. 2. 14 MRSA §6002, sub-§2, as amended by PL 1995, c. 208, §1, is further amended to read:

2. Ground for termination notice. A notice of termination issued pursuant to subsection 1 must indicate the specific ground claimed for issuing the notice. If a ground claimed is rent arrearage of 7 days or more, the notice must also include a statement indicating the amount of the rent that is 7 days or more in arrears as of the date of the notice. A termination notice issued on the ground of rent arrearage must also state the following: "If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void." For all residential tenancies at will, a termination notice issued on the ground of

rent arrearage must also state: "After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated." If the notice states an incorrect rent arrearage the notice can not be held invalid if the landlord can show the error was unintentional.

Sec. 3. 14 MRSA §6005, first ¶, as repealed and replaced by PL 1997, c. 683, Pt. A, §6, is amended to read:

When the defendant is defaulted or fails to show sufficient cause, judgment must be rendered against the defendant by the District Court for possession of the premises. Seven calendar days after the judgment is entered, the court shall issue the writ of possession to remove the defendant. The writ may be served by a sheriff or a constable. If at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the notice by first-class mail to the defendant's last known address and leaving the writ of possession at the defendant's last and usual place of abode. A writ of possession may not issue in any case in which the ground for termination of the tenancy at will was rent arrearage and the defendant paid the amount necessary to reinstate the tenancy as provided by section 6002.

See title page for effective date.

CHAPTER 249

S.P. 464 - L.D. 1403

**An Act to Allow Military Personnel
Home on Leave to Purchase a
Hunting or Fishing License for \$10**

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

Sec. 1. 12 MRSA §7076, sub-§6, as amended by PL 1993, c. 419, §3, is repealed and the following enacted in its place:

6. Members of Armed Forces domiciled in Maine. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State and that person's spouse and children may purchase Maine hunting and fishing licenses at reduced rates. To qualify, the member of the Armed Forces must show proof that that member's home of record, as recorded in that person's service records, is Maine. That person may purchase all other licenses or permits at resident fees. The license is

valid during the year of issue. The reduced fees are as follows:

A. Twenty dollars, plus the issuing fee for a combination fishing and hunting license;

B. Ten dollars, plus the issuing fee for a hunting license; and

C. Ten dollars, plus the issuing fee for a fishing license.

See title page for effective date.

CHAPTER 250

H.P. 743 - L.D. 1033

An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System

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

Sec. 1. 5 MRSA §17764, as enacted by PL 1989, c. 709, §3, is amended to read:

§17764. Vista, Peace Corps, Head Start and foreign teaching

Members who served in the Peace Corps, foreign or domestic, the Volunteers in Service to America Program, or the Fulbright Exchange Program or who taught children of United States Foreign Service Corps personnel outside the continental United States or United States Armed Forces personnel located in any foreign country on a regularly established United States military base; or who served as an employee of a Head Start program in Maine may purchase service credit for that service under the following conditions. For the purposes of this section "members" means state employees and teachers.

1. Limit on service credit. The service credit may not exceed 2 years.

2. Creditable service required. Members whose service in these organizations preceded their becoming members in the Maine State Retirement System must, on the date of retirement, have at least 15 years of creditable service.

3. Return to employment. Members who terminated service in the State as state employees or teachers prior to service with these organizations must return to state employment or active teaching in the State within one year of the completion of service in these organizations.

4. Payment to fund. Members must, before any retirement benefit becomes effective, pay into the Members' Contribution Fund by a single direct payment or annual direct payments to the retirement system an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Payments must be made as provided in section 17701.

See title page for effective date.

CHAPTER 251

H.P. 856 - L.D. 1213

An Act Regarding the Effective Date of Guardian Ad Litem Training

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

Sec. 1. 19-A MRSA §1507, sub-§2, as amended by PL 1997, c. 257, §2 and affected by §6, is further amended to read:

2. Qualifications. A guardian ad litem appointed on or after ~~September 1, 1998~~ March 1, 2000 must meet the qualifications established by the Supreme Judicial Court.

Sec. 2. 22 MRSA §4005, sub-§1, ¶A, as amended by PL 1997, c. 257, §5, is further amended to read:

A. The court, in every child protection proceeding except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders, shall appoint a guardian ad litem for the child. The guardian ad litem's reasonable costs and expenses must be paid by the District Court. The appointment must be made as soon as possible after the proceeding is initiated. Guardians ad litem appointed on or after ~~September 1, 1998~~ March 1, 2000 must meet the qualifications established by the Supreme Judicial Court.

Sec. 3. PL 1995, c. 405, §25, first ¶, 4th sentence is amended to read:

The program must be implemented by ~~September 1, 1997~~ November 1, 1999.

Sec. 4. PL 1995, c. 405, §25, sub-§4 is amended to read: