



125th MAINE LEGISLATURE

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Legislative Document

No. 1199

H.P. 890

House of Representatives, March 21, 2011

An Act To Expedite the Eviction Process in Certain Types of Cases

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

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Clerk

Presented by Representative CELLI of Brewer.

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

2 **Sec. 1. 14 MRSA §6002, sub-§1**, as repealed and replaced by PL 2009, c. 171,
3 §2, is amended to read:

4 **1. Causes for 7-day notice of termination of tenancy.** Notwithstanding any other
5 provisions of this chapter, the tenancy may be terminated upon 7 days' written notice in
6 the event that the landlord can show, by affirmative proof, that:

7 A. The tenant, the tenant's family or an invitee of the tenant has caused substantial
8 damage to the demised premises that the tenant has not repaired or caused to be
9 repaired before the giving of the notice provided in this subsection;

10 B. The tenant, the tenant's family or an invitee of the tenant caused or permitted a
11 nuisance within the premises, has caused or permitted an invitee to cause the
12 dwelling unit to become unfit for human habitation or has violated or permitted a
13 violation of the law regarding the tenancy; or

14 C. The tenant is 7 days or more in arrears in the payment of rent.

15 ¶ Except as provided in subsection 4, if a tenant who is 7 days or more in arrears in the
16 payment of rent pays the full amount of rent due before the expiration of the 7-day notice
17 in writing, that notice is void. Thereafter, in all residential tenancies at will, if the tenant
18 pays all rental arrears, all rent due as of the date of payment and any filing fees and
19 service of process fees actually expended by the landlord before the issuance of the writ
20 of possession as provided by section 6005, then the tenancy must be reinstated and no
21 writ of possession may issue.

22 In the event that the landlord or the landlord's agent has made at least 3 good faith efforts
23 to personally serve the tenant in-hand, that service may be accomplished by both mailing
24 the notice by first class mail to the tenant's last known address and by leaving the notice
25 at the tenant's last and usual place of abode.

26 Payment or written assurance of payment through the general assistance program, as
27 authorized by the State or a municipality pursuant to Title 22, chapter 1161, has the same
28 effect as payment in cash.

29 **Sec. 2. 14 MRSA §6002, sub-§2, ¶A**, as enacted by PL 2009, c. 171, §3, is
30 amended to read:

31 A. ¶ Except when subsection 4 applies, if a ground claimed is rent arrearage of 7
32 days or more, the notice must also include a statement:

33 (1) Indicating the amount of the rent that is 7 days or more in arrears as of the
34 date of the notice; and

35 (2) Setting forth the following notice: "If you pay the amount of rent due as of
36 the date of this notice before this notice expires, then this notice as it applies to
37 rent arrearage is void. After this notice expires, if you pay all rental arrears, all
38 rent due as of the date of payment and any filing fees and service of process fees
39 actually paid by the landlord before the writ of possession issues at the
40 completion of the eviction process, then your tenancy will be reinstated."

1 arrears. The hearing on the complaint must be held no later than 5 days after the return
2 day. If the landlord is successful in the action, either because the tenant fails to appear
3 and is defaulted or because the court determines that the tenant failed to show sufficient
4 cause, the court shall issue a judgment for the landlord and shall issue the writ of
5 possession at the time the judgment is issued. Current law delays the writ of possession
6 for 7 days after the judgment.