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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 742, L.D. 1006, Bill, "An Act To Provide a Remedy to Property Owners When a Tenant Defaults on a Lease"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

Sec. 1. 14 MRSA §6001, sub-§1-B is enacted to read:

1-B. Lease without termination or notice language. If a written lease or contract does not include a provision to terminate the tenancy or does not provide for any written notice of termination in the event of a material breach of a provision of the written lease or contract, either the landlord or the tenant may terminate the written lease or contract pursuant to this subsection.

A. A landlord may terminate the tenancy in accordance with section 6002, subsections 1 and 2. After a landlord has provided notice and service as provided in section 6002, including language advising the tenant that the tenant has the right to contest the termination in court, the landlord may commence a forcible entry and detainer action as provided in this section.

B. A tenant may terminate the tenancy by providing the landlord with 7 days' written notice of the termination if the landlord has substantially breached a provision of the written lease or contract. In the event that the tenant or the tenant's agent has made at least 3 good faith efforts to personally serve the landlord in-hand, that service may be accomplished by both mailing the notice by first-class mail to the landlord's last known address and by leaving the notice at the landlord's last and usual place of abode.'

SUMMARY

The bill provides that when a lease fails to contain termination language, the landlord may terminate the lease by providing the tenant with 7 days' notice and proof of cause.

COMMITTEE AMENDMENT

1 The amendment continues that provision but additionally allows the tenant to
2 terminate such a lease or contract by providing the landlord with 7 days' notice in the
3 event of a substantial breach of a provision of the lease or contract.

4 This amendment also removes the emergency preamble and emergency clause and
5 the application section, which applied the bill's provisions to residential leases existing on
6 or after the effective date of the legislation.