

MAINE STATE LEGISLATURE

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CHAPTER 709
ENTRY AND DETAINER

Sec.

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§ 6001. Availability of remedy

Process of forcible entry and detainer may be maintained against a disseizor who has not acquired any claim by possession and improvement; against a tenant holding under a written lease or contract or person holding under such tenant; against a tenant where the occupancy of the premises is incidental to the employment of a tenant; at the expiration or forfeiture of the term, without notice, if commenced within 7 days from the expiration or forfeiture of the term; and against a tenant at will, whose tenancy has been terminated as provided in section 6002.

R.S.1954, c. 122, § 1.

§ 6002. Tenancy at will; buildings on land of another

Tenancies at will may be determined by either party by 30 days' notice in writing for that purpose given to the other party, and not otherwise save by mutual consent, excepting cases where the tenant, if liable to pay rent, shall not be in arrears at the expiration of the notice, in which case the 30 days' notice shall be made to expire upon a rent day. Either party may waive in writing said 30 days' notice or any part thereof. 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 he has paid, after service of the notice, rent that accrued after the termination of

the tenancy. These provisions apply to tenancies of buildings erected on land of another party.

R.S.1954, c. 122, § 2.

§ 6003. Jurisdiction

The District Court shall have jurisdiction of cases of forcible entry and detainer.

R.S.1954, c. 122, § 3; 1955, c. 301; 1959, c. 42, § 2; 1963, c. 402, § 197.

§ 6004. Writ of attachment; recognizance

The process of forcible entry and detainer shall be commenced and service made in the same manner as other civil actions. When the plaintiff lives out of the State and a recognizance is required of him, any person may recognize in his behalf and shall be personally liable.

R.S.1954, c. 122, § 4; 1959, c. 317, § 263.

§ 6005. Writ of possession; service

When the defendant is defaulted or fails to show sufficient cause, judgment shall be rendered against him for possession of the premises and a writ of possession be issued to remove him, which may be served by a constable.

R.S.1954, c. 122, § 5.

§ 6006. Claim of title

When the defendant claims title in himself or in another person under whom he claims the premises, he shall, except as otherwise provided, recognize in a reasonable sum to the plaintiff, with sufficient sureties, conditioned to pay all intervening damages and costs and a reasonable rent for the premises. The plaintiff shall in like manner recognize to the defendant, conditioned to enter the action in the Superior Court within 30 days and to pay all costs adjudged against him. If either party neglects so to recognize, judgment shall be rendered against him.

R.S.1954, c. 122, § 6; 1959, c. 317, § 264.

§ 6007. Allegation that defendant's claim is frivolous

The plaintiff may make a written allegation that the defendant's claim of title is frivolous and intended for delay and the

judge shall then examine the case so far as to ascertain the truth of such allegation, and if satisfied of the truth thereof, he shall proceed to try the cause, and if it is determined in favor of the plaintiff, he may issue a writ of possession for removal of the defendant; but this shall not prevent an appeal as provided in section 6008.

R.S.1954, c. 122, § 7; 1959, c. 317, § 265.

§ 6008. Appeals

Either party may appeal from a judgment to the Superior Court as in other civil actions. When the plaintiff appeals, he shall recognize in manner aforesaid to the defendant, except as otherwise provided, conditioned to enter the action and to pay all costs adjudged against him. When the defendant appeals, he shall recognize in like manner to the plaintiff, conditioned to enter the action and to pay all intervening costs and such reasonable rent of the premises, as the judge shall adjudge, if the judgment is not reversed.

R.S.1954, c. 122, § 8; 1959, c. 317, § 266.

§ 6009. Judgment for claimant; possession on recognizance; damages

When judgment is rendered for the claimant, a writ of possession shall issue in all cases if the claimant recognizes to the defendant in the manner before provided, conditioned to pay all such damages and costs as may be awarded against him if final judgment is rendered for the defendant. If on trial the jury find for the defendant, they shall find the damages sustained by him. In case of dismissal, his damages shall be assessed by the court. In either case the claimant may give evidence of any claim for rent of the premises, to be set off against damages claimed by the defendant. If the defendant prevails, the court may or may not, as justice requires, issue a writ to restore to him possession of the premises.

R.S.1954, c. 122, § 9; 1963, c. 414, § 138.

§ 6010. Sums due for rent and damages

Sums due for rent on leases under seal or otherwise and claims for damages to premises rented may be recovered in an action, specifying the items and amount claimed, but no action shall be maintained for any sum or sums claimed to be due for

rental or for any claim for damages for the breach of any of the conditions claimed to be broken on the part of the lessee, his legal representatives, assigns or tenant, contained in a lease or written agreement to hire or occupy any building, buildings or part of a building, during a period when such building, buildings or part of a building, which the lessee, his assigns, legal representatives or tenant may occupy or have a right to occupy, shall have been destroyed or damaged by fire or other unavoidable casualty so that the same shall be thereby rendered unfit for use or habitation. No agreement contained in a lease of any building, buildings or part of a building or in any written instrument shall be valid and binding upon the lessee, his legal representatives or assigns to pay the rental stipulated in said lease or agreement during a period when the building, buildings or part of a building described therein shall have been destroyed or damaged by fire or other unavoidable casualty so that the same shall be rendered unfit for use and habitation.

R.S.1954, c. 122, § 10; 1959, c. 317, § 267.

§ 6011. House of ill fame; lease void at landlord's option

When the tenant of a dwelling house is convicted of keeping it as a house of ill fame, the lease or contract by which he occupies it may, at the option of the landlord, be deemed void and the landlord shall have the same remedy to recover possession as against a tenant holding over after his term expires.

R.S.1954, c. 122, § 11.