

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# ONE HUNDRED AND SIXTH LEGISLATURE

---

---

## Legislative Document

No. 174

H. P. 141

House of Representatives, January 16, 1973

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dunleavy of Presque Isle.

---

---

## STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

---

### AN ACT Relating to Forcible Detainer of Personal Property.

---

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

**R. S., T. 14, § 6012, additional.** Title 14 of the Revised Statutes is amended by adding a new section 6012 to read as follows:

**§ 6012. Personal property**

If a dispute shall occur between 2 or more parties, any of whom claim to be owners as to their respective rights in, title to or possession of personal property, any claimant may bring an action in District Court wherein said claimant must serve the defendant with a copy in his complaint of the security instrument or instruments, bill of sale or other evidence of title and thereafter produce the best available evidence in court whereby he claims said interest in said personal property and thereupon the defendant shall be required to show cause why possession of said property should not be delivered over immediately to the claimant.

Said court is given equitable powers to make all appropriate orders, including but not limited to, turnover orders in relation to said property and the parties to said action to compel obedience to its judgment and orders.

Either party may have 5 days in which to appeal the judgment of said District Court, provided the appellant shall be required to give a sufficient surety or sureties to adequately protect the interests of the appellee during said appeal.

Civil rules of procedure as now exist or may hereafter be amended in cases of forcible entry and detainer shall apply in said actions insofar as same shall be applicable.

The remedy provided in this section shall be deemed a remedy in equity and shall be in addition to and not in lieu of other remedies now existing by law, and there shall be no right of removal, except if defendant shall claim title to said property in himself, he shall provide claimant with a sufficient surety or sureties to pay all intervening damages and costs and a reasonable rental for use of said personal property. The plaintiff shall in like manner provide surety or sureties to the defendant conditioned to enter the action in Superior Court within 30 days and to pay all costs adjudged against him. If either party neglects to so provide said surety or sureties, judgment shall be rendered against him.

#### STATEMENT OF FACT

The purpose of this bill is to provide a determination of the parties' rights in, title to or possession of personal property.