

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 577

H. P. 463

House of Representatives, February 15, 1979

On Motion of Mr. Hobbins of Saco, referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jacques of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Relating to Forcible Entry and Detainer Hearings.

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

14 MRSA § 6003 is repealed and the following enacted in its place:

§ 6003. Jurisdiction

The District Court shall have jurisdiction of cases of forcible entry and detainer and all forcible entry and detainer actions shall be in order for trial on the return day.

When a defendant, pursuant to any action relating to sections 6001, 6002, 6021 or 6034, desires a hearing or demands a recorded hearing, which hearing cannot be held on the return day, the defendant shall, upon his request for a hearing, attach to the request for a hearing a receipt of rental paid to the date of the hearing, and shall further provide the plaintiff with a surety or bond, to be held by the court, for rental and damages to be paid pending the hearing.

STATEMENT OF FACT

Currently when a landlord commences an action of forcible entry and detainer to evict a tenant who is several weeks behind in rent or has caused damages or nuisance, it is common practice to request a recorded hearing which usually

results in a delay of 3 or 4 weeks after the return date. This bill provides that, prior to a hearing being granted, a tenant must have paid rent to the date of the hearing and that, if a recorded hearing is to be held in a period of one or 2 months later, the tenant provide the landlord with a surety bond to cover the rentals due during the period of the hearing. One of the common problems faced by landlords today is that a tenant will many times request a hearing on a forcible entry and detainer solely to delay an eviction procedure for at least one month, and in many cases 2 months in order to provide a chance for the tenant to accumulate a security deposit for a new rental unit and then will leave prior to the hearing date and will be 6 to 10 weeks in arrears of rent.