

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 743

H. P. 599

House of Representatives, February 23, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Provide for Dismissal of Frivolous Title Claims to Personal Property
in Forcible Detainer Actions.**

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

14 MRSA § 6012, as enacted by PL 1973, c. 428, is amended by adding at the end a new paragraph to read:

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 the allegation and if satisfied of the truth thereof, he shall proceed to try the cause, but this shall not prevent an appeal as provided in this section.

STATEMENT OF FACT

The purpose of this bill is to prevent unnecessary delays when someone sues to recover possession of his personal property. This type of suit is called a forcible detainer action and it can only be brought in District Court. The person in possession can defend the suit by claiming that he owns the property involved. If this happens, the defendant has the right to remove the case to Superior Court. The problem arises when the defendant's claim to ownership is clearly without merit. By raising a sham issue the defendant delays the judgment ordering that he hand over the property to the rightful owner.

This bill amends the statute dealing with suits for forcible detainer of personal property, Title 14, section 6012. It gives the District Court judge the power to determine whether the defendant's claim to ownership is frivolous and intended for delay. If the judge found this to be the case, he could ignore the defendant's claim of ownership and give judgment in the case. The District Court judge already has this power in actions brought to recover real property. This bill gives the District Court judge the same power in cases concerning personal property.