

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 748

H. P. 601

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. Stetson of Wiscasset.

Cosponsors: Mrs. Berube of Lewiston and Mr. Barry of Fort Kent.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Appeals to the Superior Court.

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

14 MRSA § 6003-A is enacted to read:

§ 6003-A. Appeals

In all forcible entry and detainer action judgments which are appealed from the District Court to the Superior Court by either party, the defendant or tenant, shall post a bond or sufficient sureties to ensure payment of rental during the period of appeal. The bond or sureties shall be posted with the clerk of the Superior Court in a sum sufficient to pay for rental during the period of appeals and all sums awarded to the plaintiff in the judgment of the District Court.

STATEMENT OF FACT

In the event that a judgment is entered in the District Court against either a plaintiff or a defendant, which judgment is appealed to the Superior Court of the county wherein the judgment was granted, this section provides that the defendant, if a tenant, shall provide or post a bond or sufficient sureties to ensure payment of rental and damages during the period of appeal. The purpose of this

section is that an appeal to the Superior Court may take as much as 2 years with all the procedures involved and that a tenant may not pay any rent for that 2-year period providing a great injustice to the landlord. This section is different from a section 6006 appeal to the Superior Court since a section 6006 appeal to the Superior Court is limited to title in landownership only and the title issue rarely comes up in a forcible entry and detainer action.