

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 415

H. P. 377

House of Representatives, January 26, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Lund of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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14 MRSA § 6003 is repealed and the following enacted in its place: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. All forcible entry and detainer actions shall be in order for trial on the return day.

When the defendant requests a hearing on the action to be held at a date after the return day for the purpose of recording the hearing or for some other purpose, the judge shall, in all appropriate cases, condition the granting of the request on the defendant's payment of the rent which is already due and, upon becoming due, rent accruing pending final disposition, into an escrow account to be administered by the clerk of the Superior Court. The judgment or an agreement of the parties shall provide for the disposition of the escrowed rent.

STATEMENT OF FACT

Actions for forcible entry and detainer to evict a tenant may be delayed several weeks if the defendant requests such a delay for a recorded hearing or for some other purpose. This bill requires a tenant who has not paid rent to pay the rent due prior to being granted a delay in the hearing date. This will prevent a tenant from

requesting a delay in the hearing date solely to live rent free. Landlords are often faced with the problem of a tenant who uses the unpaid rent money to accumulate a security deposit for a new rental unit and then leaves prior to the hearing date without ever paying the rent.