

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 766**

H. P. 662

House of Representatives, February 10, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Stover of West Bath.

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STATE OF MAINE

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

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**AN ACT Concerning Writ of Possession.**

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

14 MRSA § 6005, as amended by PL 1979, c. 327, § 1, is further amended by adding at the end a new paragraph to read:

**When a writ of possession has been served on the defendant by a constable or sheriff, and the defendant fails to remove himself or his possessions within 48 hours of service by the constable or sheriff, the defendant is deemed a trespasser without right and the defendant's goods and property are considered by law to be abandoned and subject to attachment.**

STATEMENT OF FACT

A second paragraph has been added to the law dealing with writs of possession to solve a time problem which has been plaguing the landlord for years. The typical eviction procedure requires that if a tenant is behind in rent the tenant must be given either a 7-day notice or a 30-day notice. If the tenant is given a 30-day notice at the end of 30 days the tenant is summoned to court 7 days following the end of the 30-day period, if that day falls on a certain day of the week on which the court holds a hearing. Following the hearing, the court may issue a 5-day writ of possession which indicates that at the end of the 5-day period the landlord may have possession of his apartment. The second paragraph resolves the problem

where a landlord has given notice to a tenant by sheriff of the fact that the dwelling unit now belongs to the landlord. In many cases the tenant refuses to leave requiring a costly process of hiring a professional mover to move the items which in many cases would be considered junk and requires the landlord to place these items in storage at his own expense, the law being vague as to how long the items must be kept in storage by the landlord and whether the landlord must pay for an indefinite period of time for the storage of the goods whose value may be nonexistent.