

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 854**

H. P. 722 House of Representatives, February 13, 1981  
Referred to the Committee on Judiciary. Sent up for concurrence and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Telow of Lewiston.

STATE OF MAINE

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

**AN ACT Relating to the Jurisdiction of the District Court.**

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14 MRSA § 6003 is repealed and the following enacted in its place: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

**If a tenant has been served a 7-day notice for rental arrearages of 14 days or more, and has been subsequently summonsed to the District Court on a return day and on which return day the tenant is 28 days or more in arrears of rental, the court shall determine, prior to granting a hearing to the tenant, that the request for a hearing is not frivolous and solely intended for delay. This court, prior to granting a hearing to a tenant who is 28 days or more in rental arrearages on the return date, shall require the tenant to prove by rental receipts that no arrearage exists or by affidavit signed by the tenant, that grounds exist for nonpayment or rent pursuant to section 6021.**

**If the tenant fails to allege by affidavit that grounds exist for nonpayment of rent or fails to prove that the rental was paid in full, or both, the court shall proceed to try the case, and if it is determined in favor of the plaintiff, the court shall issue a writ of possession for removal of the defendant; but this shall not prevent an appeal as provided in section 6008.**

## STATEMENT OF FACT

In many eviction proceedings where the only reason for the eviction is rental arrearage, the landlord must await 14 days before commencing the eviction proceedings. The legal proceedings require a 7-day notice, followed by a forcible entry and detainer summons and complaint in District Court which takes at least an additional 7 days. Once in court, however, the tenant often demands a hearing which cannot be held for at least 45 days due to the backlog of court cases. It is common for a tenant to request a hearing knowing that he will live rent-free for at least 73 days and actually move out the day prior to the hearing. The court may issue a writ of possession, but collection of the 10 weeks of back rent becomes another expensive court battle if the landlord can find the tenant. This bill will reduce unnecessary court scheduling and time.