

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2152

7 S.P. 851

In Senate, March 5, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Referred to the Committee on Legal Affairs. Sent down for concurrence
and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Representative Handy of Lewiston and Representative
Murphy of Berwick.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Relating to the Collection of Sums Due
18 for Rent and Damages in Actions for
19 Forcible Entry and Detainer.
20

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

23 Sec. 1. 14 MRSA §6003, second ¶, as enacted by
24 PL 1981, c. 428, §5, is amended to read:

25 If either party in a forcible entry and detainer
26 action requests a recorded hearing, the court shall
27 schedule it as soon as practicable, but no later than
28 7 days after the return day. Any defendant requesting
29 a recorded hearing shall be prepared to file a writ-
30 ten answer enumerating defenses on or before the re-
31 turn day. When an action for forcible entry and de-
32 tainer is joined of an action for nonpayment of rent
33 pursuant to section 6010, the defendant may remove
34 the action to Superior Court only on the issue of
35 nonpayment of rent.

1 Sec. 2. 14 MRSA §6010, first ¶, as amended by PL
2 1973, c. 633, §21, is further amended to read:

3 Sums due for rent on leases under seal or other-
4 wise and claims for damages to premises rented may be
5 recovered in an a separate action or together with a
6 forcible entry and detainer action filed on the
7 grounds of nonpayment of rent, specifying the items
8 and amount claimed, but no action ~~shall~~ may be main-
9 tained for any sum or sums claimed to be due for
10 rental or for any claim for damages for the breach of
11 any of the conditions claimed to be broken on the
12 part of the lessee, his legal representatives, as-
13 signs or tenant, contained in a lease or written
14 agreement to hire or occupy any building, buildings
15 or part of a building, during a period when such
16 building, buildings or part of a building, which the
17 lessee, his assigns, legal representatives or tenant
18 may occupy or have a right to occupy, shall have been
19 destroyed or damaged by fire or other unavoidable ca-
20 sualty so that the same shall be thereby rendered un-
21 fit for use or habitation; provided that nothing
22 herein ~~shall~~ may render invalid or unenforceable an
23 agreement contained in a lease of any building,
24 buildings, or part of a building used primarily for
25 other than residential purposes or in the case of any
26 lease securing obligations guaranteed by the Maine
27 Guaranty Authority or in any written instrument to
28 pay the rental stipulated in said lease or agreement
29 or any portion of such rental during a period when
30 the building, buildings or part of a building de-
31 scribed therein shall have been destroyed or damaged
32 by fire or other unavoidable casualty so that the
33 same shall be rendered unfit for use or habitation,
34 in whole or in part.

1

STATEMENT OF FACT

2 Under present law a landlord must defer collec-
3 tion of rental arrears or property damages until a
4 tenant has been terminated. This bill allows a land-
5 lord to join a claim for rental arrears or property
6 damages in an action for forcible entry and detainer.
7 To preserve a litigant's right to a jury trial, this
8 bill allows any party to remove the issue of rental
9 arrears or property damages to Superior Court for ju-
10 ry trial.

11

5220010386