

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 611

H.P. 446

House of Representatives, March 6, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HANDY of Lewiston.

Cosponsored by Representative PARADIS of Augusta, Senator BERUBE of Androscoggin and Senator DILLENBACK of Cumberland.

STATE OF MAINE

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

An Act to Clarify Procedural Aspects of the Forcible Entry and
Detainer Law.



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

3 **Sec. 1. 14 MRSA §6003, 2nd ¶**, as enacted by PL 1981, c. 428,
5 §5, is amended to read:

7 If either party in a forcible entry and detainer action
9 requests a recorded hearing, the court shall schedule ~~it~~ and hold
11 the hearing as soon as practicable, but no later than 7 days
after the return day. Any defendant requesting a recorded
hearing shall be ~~prepared to~~ file a written answer enumerating
all defenses on or before the return day.

13 **Sec. 2. 14 MRSA §6005**, as amended by PL 1981, c. 428, §6, is
15 repealed and the following enacted in its place:

17 **§6005. Writ of possession; service**

19 When the defendant is defaulted or fails to show sufficient
21 cause, judgment shall be rendered against the defendant by the
23 District Court for possession of the premises and a writ of
possession shall be issued to remove the defendant 5 days after
entry of judgment, which may be served by a constable.

25 An additional writ of possession may be issued by the clerk
at the request of the plaintiff after entry of judgment.

27 When a writ of possession has been served on the defendant
29 by a constable or sheriff, and the defendant fails to leave or
31 remove the defendant's possessions within 48 hours of service of
the writ 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 section 6013.

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37 **STATEMENT OF FACT**

39 This bill makes it clear that eviction hearings are to
41 actually be held within 7 days of the original return day, that
tenants are to literally file a written answer, that the writ of
possession must be issued after 5 days and that a 2nd writ may be
issued if requested by the landlord.