

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1467

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S.P. 532

In Senate, May 4, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

*Joy J. O'Brien*  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin.

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STATE OF MAINE

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

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An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases.

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

3 14 MRSA §6008, as amended by PL 1979, c. 172, §1, is  
5 further amended to read:

7 **§6008. Appeals**

9 Either party may appeal on questions of law from a judgment  
11 to the Superior Court as in other civil actions or on any issue  
13 triable by right by a jury trial de novo in Superior Court as  
15 provided in this section. When the plaintiff appeals, he the  
17 plaintiff shall recognize in-manner--aföresaid as under section  
19 6006 to the defendant, except as otherwise provided, conditioned  
21 to enter the action and to pay all costs adjudged against him the  
23 plaintiff. When the defendant appeals, the Superior Court Judge  
25 may stay the issuance of a writ of possession pending disposition  
27 of the appeal. The judge shall, in all appropriate cases,  
29 condition the granting and continuation of the stay on the  
31 defendant's payment of the rent for the premises into an escrow  
account to be administered by the clerk of the Superior Court.  
If a defendant seeks a jury trial de novo on appeal, the  
defendant shall recognize to the plaintiff as under section  
6006. As a prerequisite to any jury trial, the defendant shall  
place all unpaid rent in controversy, all rent obligations  
arising during the pendency of the forcible entry and detainer  
action and all rent obligations arising during the pendency of  
the appeal into an escrow account to be administered by the clerk  
of the Superior Court. Failure to make these rent payments on a  
timely basis shall constitute a waiver of the right to jury trial  
de novo. The appeal decision or an agreement of the parties  
shall provide for the disposition of the escrowed rent.

33 A party who seeks a jury trial de novo shall briefly state  
35 the grounds of the appeal and demand a jury trial in writing on  
37 the notice of appeal and shall file with the notice an affidavit  
39 setting forth specific facts showing that there is a genuine  
41 issue of material fact as to which there is a right to trial by  
43 jury. Failure to make a demand for a jury trial with an  
45 accompanying affidavit constitutes a waiver of the right to jury  
trial de novo. When a jury trial has not been demanded, the  
appeal shall be determined by the Superior Court as provided for  
an appeal on questions of law. When a jury trial is demanded,  
the record on appeal shall consist of any portion of the District  
Court record necessary for review.

47 The Superior Court may enter a judgment reversing or  
49 affirming, in whole or in part, the judgment appealed from and  
51 shall thereupon remand the case to the District Court from which  
it originated for entry of the appropriate judgment or for any  
further proceedings.

