

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 304

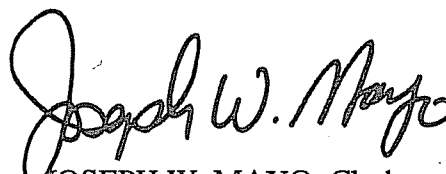
H.P. 236

House of Representatives, February 4, 1993

**An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property.**

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Reference to the Committee on Legal Affairs suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DAGGETT of Augusta.  
Cosponsored by Senator HANDY of Androscoggin and  
Representatives: MICHAEL of Auburn, STEVENS of Sabattus, Senator: BERUBE of  
Androscoggin.

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

2  
3 Sec. 1. 14 MRSA §6002, first ¶, as amended by PL 1971, c. 544,  
4 §§46-A and 47, is further amended to read:

6 Tenancies at will must be terminated by either party by 30  
7 days' notice, except as provided in ~~subsections~~ subsections 1 and  
8 4, in writing for that purpose given to the other party, and not  
9 otherwise, excepting cases where ~~when~~ the tenant, if liable to  
10 pay rent, shall ~~is~~ not be in arrears at the expiration of the  
11 notice, in which case the 30 days' notice shall ~~must~~ be made to  
12 expire upon a rent day, provided that either party may waive in  
13 writing said ~~the~~ 30 days' notice at the time said ~~the~~ notice is  
14 given, and at no other time prior to the giving of such ~~the~~  
15 notice. Such termination shall ~~is~~ not be affected by the receipt  
16 of moneys ~~money~~, whether previously owed or for current use and  
17 occupation, until the date a writ of possession is issued against  
18 the tenant during the period of actual occupancy after receipt of  
19 said ~~the~~ 30 days' notice. When the tenancy is terminated, the  
20 tenant is liable to the process of forcible entry and detainer  
21 without further notice and without proof of any relation of  
22 landlord and tenant unless he ~~the tenant~~ has paid, after service  
23 of the notice, rent that accrued after the termination of the  
24 tenancy. These provisions apply to tenancies of buildings erected  
25 on land of another party. Termination of the tenancy shall ~~be~~  
26 ~~deemed to occur~~ occurs at the expiration of the time fixed in the  
27 notice.

28  
29 Sec. 2. 14 MRSA §6002, sub-§4 is enacted to read:

30  
31 4. Eviction in cases of imminent danger to persons or  
32 property. Notwithstanding any other provisions of this chapter,  
33 if the landlord can show, by affirmative proof, that the tenant,  
34 the tenant's family or an invitee of the tenant places in  
35 imminent danger other tenants or the demised premises, the  
36 tenancy may be terminated by the court after a hearing.

37  
38 A. The landlord must give written notice of the hearing to  
39 the tenant at least 24 hours before the hearing. If the  
40 landlord or the landlord's agent has made at least 3 good  
41 faith efforts to serve notice to the tenant, that service  
42 may be accomplished by both mailing the notice by  
43 first-class mail to the tenant's last known address and by  
44 leaving the notice at the tenant's last and usual place of  
45 abode.

46  
47 B. If, after the hearing, the court finds that imminent  
48 danger exists, the court shall issue within 24 hours after  
49 the hearing an expedited writ of possession requiring the  
50 tenant to vacate the premises within 48 hours of the  
issuance of the writ.

2 C. Any appeal of the court's order must be filed within 48  
4 hours of the issuance of the writ. The court must act on  
6 the appeal within 24 hours of the filing.

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### STATEMENT OF FACT

This bill provides a mechanism for landlords to quickly evict tenants that place other tenants or the property in imminent danger. After the tenant is provided with at least 24 hours' notice, the court will hold a hearing in which the landlord is given the opportunity to prove that the tenants or the landlord's property is in imminent danger from the defendant tenant, the tenant's family or invitees of the tenant. If the court agrees, the court has one day in which to issue a writ of possession to the landlord that requires the defendant tenant to leave the premises within 48 hours. If the defendant wants to appeal, the appeal must be filed before the expiration of the 48-hour period to vacate. The court has 24 hours to act on the appeal. Service of notice is based on the notice required for 7-day evictions.