

# MAINE STATE LEGISLATURE

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L.D. 1390

DATE: 6/14/95

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**LEGAL AND VETERANS AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 982, L.D. 1390, Bill, "An Act to Clarify the Forcible Entry and Detainer Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

**Sec. 1. 14 MRSA §6001, sub-§1, as amended by PL 1995, c. 60, §2, is further amended to read:**

**1. Persons against whom process may be maintained.** Process of forcible entry and detainer may be maintained against a disseisor who has not acquired any claim by possession and improvement; against a tenant holding under a written lease or contract or person holding under such a tenant; against a tenant where the occupancy of the premises is incidental to the employment of a tenant; at the expiration or forfeiture of the term, without notice, if commenced within 7 days from the expiration or forfeiture of the term; against a tenant at will, whose tenancy has been terminated as provided in section 6002; and against mobile home owners and tenants pursuant to Title 10, chapter 951, subchapter VI. When there are multiple occupants of an apartment or residence, the process of forcible entry and detainer is effective against all occupants if the plaintiff names as parties "all other occupants" together with all adult individuals whose names appear on the lease or rental agreement for the premises or whose tenancy the plaintiff has acknowledged by acceptance of rent or otherwise.

**COMMITTEE AMENDMENT**

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**STATEMENT OF FACT**

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This amendment accomplishes the intent of the original bill to make the forcible entry and detainer process effective against all occupants if the landlord names as parties the persons the landlord has acknowledged as tenants. The amendment provides that the process is effective against all occupants if the landlord names as parties "all other occupants," along with all adults whose names are on the lease or whom the landlord has otherwise acknowledged as tenants. The amendment relocates the language specifying who must be named as a party so that it follows the listing of who may be subject to the eviction process. This avoids unnecessarily repeating requirements contained in the Maine Rules of Civil Procedure.

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