

# MAINE STATE LEGISLATURE

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R.S.

L.D. 326

DATE: 4-11-97

(Filing No. H-190)

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JUDICIARY

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14 STATE OF MAINE  
16 HOUSE OF REPRESENTATIVES  
18 118TH LEGISLATURE  
20 FIRST SPECIAL SESSION

22 COMMITTEE AMENDMENT "A" to H.P. 262, L.D. 326, Bill, "An  
24 Act to Streamline the Eviction Process"

26 Amend the bill by striking out all of sections 1 and 2 (page  
28 1, lines 3 to 23 in L.D.) and inserting in their place the  
30 following:

32 'Sec. 1. 14 MRSA §6003, 2nd ¶, as amended by PL 1989, c. 452,  
34 §1, is further amended to read:

36 ~~If either party in a forcible entry and detainer action~~  
38 ~~requests a recorded hearing, the~~ The court shall schedule and  
40 hold the hearing as soon as practicable, but no later than 10  
42 days after the return day except that the court may grant a  
44 continuance for good cause shown. Any defendant requesting a  
46 recorded hearing shall file a written answer enumerating all  
known defenses on or before the return day.

Sec. 2. 14 MRSA §6005, first ¶, as amended by PL 1995, c. 208,  
§2, is further amended to read:

When the defendant is defaulted or fails to show sufficient  
cause, judgment must be rendered against the defendant by the  
District Court for possession of the premises and a writ of  
possession must be issued to remove the defendant, which may be  
served by a constable. If at least 3 good faith efforts on 3  
different days have been made to serve the defendant, service may  
be accomplished by both mailing the notice by first-class mail to  
the defendant's last known address and leaving the writ of

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 262, L.D. 326

2 possession at the defendant's last and usual place of abode. A  
3 writ of possession may not issue in any case in which the ground  
4 for termination of the tenancy was rent arrearage and the  
5 defendant paid the amount necessary to reinstate the tenancy as  
6 provided by section 6002.'

7 Further amend the bill by inserting at the end before the  
8 summary the following:

10 **FISCAL NOTE**

12 The additional workload and administrative costs associated  
13 with the mandated scheduling in the court system can be absorbed  
14 within the budgeted resources of the Judicial Department.'

16 **SUMMARY**

18 This amendment replaces section 1 of the bill to amend  
20 current law concerning the timeframe for holding a hearing in a  
21 forcible entry and detainer action. This amendment provides that  
22 the hearing must be held within 10 days of the return, regardless  
23 of whether a recorded hearing has been requested. This amendment  
24 preserves the court's discretion to grant a continuance for good  
25 cause shown.

26 This amendment permits service of a writ of possession by  
28 first-class mail and by leaving a copy at the defendant's last  
29 known address, but only after at least 3 good faith attempts on 3  
30 different days have been made to serve the defendant.