

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 326

H.P. 262

House of Representatives, January 23, 1997

An Act to Streamline the Eviction Process.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton,
O'NEAL of Limestone.

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

2 **Sec. 1. 14 MRSA §6003**, as amended by PL 1989, c. 452, §1, is
4 further amended by adding at the end a new paragraph to read:

6 The court shall ensure that hearings may be held in all
8 cases not more than 14 days after return of service.

10 **Sec. 2. 14 MRSA §6005, first ¶**, as amended by PL 1995, c. 208,
12 §2, is further amended to read:

14 When the defendant is defaulted or fails to show sufficient
16 cause, judgment must be rendered against the defendant by the
18 District Court for possession of the premises and a writ of
20 possession be issued to remove the defendant, which may be served
22 by a constable. If at least 3 good faith efforts have been made
24 to serve the defendant, service may be accomplished by both
26 mailing the notice by first class mail to the defendant's last
28 known address and by leaving the notice at the defendant's last
30 and usual place of abode. A writ of possession may not issue in
32 any case in which the ground for termination of the tenancy was
rent arrearage and the defendant paid the amount necessary to
reinstate the tenancy as provided by section 6002.

SUMMARY

28 This bill requires the court to ensure that hearings for all
30 forcible entry and detainer actions may occur not more than 14
32 days after return of service and allows service of a writ of
possession by mailing and leaving the writ at the last and usual
place of abode of the tenant, if 3 attempts to serve the writ in
the usual manner have been unsuccessful.