



120th MAINE LEGISLATURE

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Legislative Document

No. 807

S.P. 239

In Senate, February 15, 2001

An Act to Provide for Plenary Proceedings in Actions for Forcible Entry and Detainer.

Reference to the Committee on Judiciary suggested and ordered printed.

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator ABROMSON of Cumberland. Cosponsored by Senators: FERGUSON of Oxford, SAVAGE of Knox.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 14 MRSA §6012, sub-§1, as enacted by PL 1995, c. 448,
4	§4, is amended to read:
6	1. Action to resolve dispute. If 2 or more persons claim rights in, title to or possession of personal property, any
8	claimant may bring an action in District Court to resolve a dispute among the claimants. The plaintiff has the option of
10	bringing the action by way of summary proceeding or plenary proceeding.
12	Sec. 2. 14 MRSA §6012, sub-§5, as enacted by PL 1995, c. 448,
14	§4, is repealed and the following enacted in its place.
16	5. Rules. If the action for forcible entry and detainer of personal property is brought as a summary proceeding, the Maine
18	Rules of Civil Procedure, Rule 80D applies. If the action is brought as a plenary proceeding, the Maine Rules of Civil
20	Procedure, other than Rule 80D(a)-(e), apply, except as otherwise provided by statute.
22	PACYANCE DJ OCUCALLE
24	SUMMARY
26	This bill allows a choice to the plaintiff in an action for forcible entry and detainer of personal property: whether to
28	proceed by summary proceeding or by plenary proceeding. The
	Summary proceeding is the current procedure wherein the time
30	summary proceeding is the current procedure wherein the time between the service of papers initiating the case and the trial may be as few as 7 days. In the plenary proceeding, the case
30 32	between the service of papers initiating the case and the trial may be as few as 7 days. In the plenary proceeding, the case will proceed as any other civil action, except in certain
	between the service of papers initiating the case and the trial may be as few as 7 days. In the plenary proceeding, the case will proceed as any other civil action, except in certain respects pertaining to appeals, joinder of other actions, venue, removal, issuance of a writ of possession and stays on appeal,
32	between the service of papers initiating the case and the trial may be as few as 7 days. In the plenary proceeding, the case will proceed as any other civil action, except in certain respects pertaining to appeals, joinder of other actions, venue,

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