

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 659

H.P. 508

House of Representatives, February 8, 2007

An Act To Establish a Mediation Process for Landlord-tenant Disputes

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WAGNER of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin and
Representatives: CRAVEN of Lewiston, FAIRCLOTH of Bangor, HASKELL of Portland,
HAYES of Buckfield, SAMSON of Auburn, SIMPSON of Auburn, TARDY of Newport,
WALCOTT of Lewiston.

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

2 **Sec. 1. 14 MRSA §6004-A** is enacted to read:

3 **§6004-A. Mediation**

4 The court may, in any case under this chapter, at any time refer the parties to
5 mediation on any issue.

6 **1. Required mediation.** Prior to a contested hearing the court shall refer the parties
7 to mediation except that the court may waive the mediation requirement under this
8 subsection for good cause.

9 **2. Mediated agreement.** An agreement reached by the parties through mediation
10 must be reduced to writing, signed by the parties and presented to the court for approval
11 as a court order.

12 **3. No agreement; good faith effort required.** When agreement through mediation
13 is not reached on an issue, the court shall determine that the parties made a good faith
14 effort to mediate the issue before proceeding with a hearing. If the court finds that either
15 party failed to make a good faith effort to mediate, the court may order the parties to
16 submit to mediation, may dismiss the action or a part of the action, may render a decision
17 or judgment by default, may assess attorney's fees and costs or may impose any other
18 sanction that is appropriate in the circumstances.

19 **4. Waiver of mediation; questions of law.** The court may hear motions to waive
20 mediation in cases in which there are no facts at issue and all unresolved issues are
21 questions of law.

22 **5. Mediators provided.** The Court Alternative Dispute Resolution Service,
23 established in Title 4, section 18-B, shall provide mediators for mediations under this
24 section.

25 **6. Rules; fees.** The Supreme Judicial Court shall adopt rules of procedure and a
26 schedule of fees for actions under this chapter.

27 **SUMMARY**

28 This bill requires mediation prior to a trial in a landlord-tenant forcible entry and
29 detainer court trial and provides a good cause exception process. The bill requires the
30 Court Alternative Dispute Resolution Service to provide the mediators for the mediations.
31 The bill directs the Supreme Judicial Court to adopt rules for fees and of procedure for
32 landlord-tenant mediation.