

MAINE STATE LEGISLATURE

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Date: 5/8/13

L.D. 581
(Filing No. H-140)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 400, L.D. 581, Bill, "An Act To Amend the Laws Governing Service of Process in Eviction Actions"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 14 MRSA §6004 is repealed and the following enacted in its place:

§6004. Commencement of action

Until September 1, 2016, the process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions, except that 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 summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable. This paragraph is repealed September 1, 2016.

Beginning September 1, 2016, the process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.'

SUMMARY

This amendment requires the plaintiff in an eviction case to mail and post the summons as well as the complaint after 3 good faith attempts to serve the defendant in hand have been unsuccessful. This amendment requires the plaintiff to file an affidavit that the service has occurred, which is currently required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 400, L.D. 581

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summons and complaint. The changes are repealed September 1, 2016. After that date, the law currently in effect will go back into effect.

COMMITTEE AMENDMENT