

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 390

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H.P. 299

House of Representatives, January 29, 2019

### An Act To Amend the Laws Governing Dangerous Buildings

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative JOHANSEN of Monticello.  
Cosponsored by Representative STANLEY of Medway and  
Representatives: DeVEAU of Caribou, MORRIS of Turner, PICKETT of Dixfield.

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

2 **Sec. 1. 17 MRSA §2851, sub-§4**, as amended by PL 2017, c. 136, §1, is further  
3 amended to read:

4 **4. Proceedings in Superior Court.** In addition to proceedings before the municipal  
5 officers or the county commissioners, the municipality or the county may seek an order of  
6 demolition by filing a complaint in the Superior Court situated in the county where the  
7 building is located. The complaint must identify the location of the property and set forth  
8 the reasons why the municipality or the county seeks its removal. The municipality or the  
9 county may seek a writ of attachment of the property on which the building is located in  
10 accordance with Title 14, chapter 507 and the Maine Rules of Civil Procedure. Service  
11 of the complaint must be made upon the owner and parties in interest in accordance with  
12 the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury,  
13 the court shall issue an appropriate order and, if it requires removal of the building, it  
14 shall award costs as authorized by this subchapter to the municipality or the county.  
15 Appeal from a decision of the Superior Court is to the law court in accordance with the  
16 Maine Rules of Civil Procedure.

17 **Sec. 2. 17 MRSA §2859, sub-§1**, as amended by PL 2017, c. 136, §7, is further  
18 amended to read:

19 **1. Commencement of action.** A municipality, acting through its building official,  
20 code enforcement officer, fire chief or municipal officers, shall file a verified complaint  
21 setting forth such facts as would justify a conclusion that a building is dangerous, as  
22 described in section 2851, and shall state in the complaint that the public health, safety or  
23 welfare requires the immediate removal of that building. The municipality may seek a  
24 writ of attachment of the property on which the building is located in accordance with  
25 Title 14, chapter 507 and the Maine Rules of Civil Procedure.

26 **SUMMARY**

27 This bill allows a municipality or county seeking an order of demolition of a  
28 dangerous building to seek a writ of attachment of the property on which the building is  
29 located.