

MAINE STATE LEGISLATURE

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Date: 6/11/21

MAJORITY

JUDICIARY

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 485, L.D. 1508, "An Act To Prevent Homelessness by Establishing an Eviction Mediation Program"

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce Homelessness by Reducing Evictions'

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

'Sec. 1. 14 MRSA §6004, as amended by PL 2015, c. 22, §1, is repealed and the following enacted in its place:

§6004. Commencement of action

1. Summons and complaint; service. 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.

2. Form notice. If the defendant is a residential tenant, the plaintiff shall attach to the summons and complaint that is served on the defendant as provided in subsection 1 a one-page to 2-page form notice provided by the judicial branch in consultation with other resources and posted on the publicly accessible website of the judicial branch, written in language that is plain and readily understandable by the general public, that contains at a minimum the following:

A. A description of the court procedure to be followed in the case, including a clear explanation of the process that must be followed before a tenant is required to vacate a rental unit;

B. A statement that failure to appear at any scheduled status conference or hearing may result in the entry of judgment in favor of the landlord, which would require the tenant to leave the rental unit;

C. A list of rental assistance programs available to residential tenants;

D. A list of resources that provide legal information and representation available to residential tenants;

E. A list of resources that provide housing counseling available to residential tenants;

F. A statement that either party may request, or the court may at any time refer the parties to, mediation on any issue; and

G. A court-approved form to request mediation.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for legal representation for low-income individuals in forcible entry and detainer actions. These funds are available for distribution by the Civil Legal Services Fund Commission pursuant to the Maine Revised Statutes, Title 4, section 18-A, subsection 1.

GENERAL FUND

All Other

	2021-22	2022-23
	\$1,500,000	\$1,500,000

GENERAL FUND TOTAL

	\$1,500,000	\$1,500,000
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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report. It replaces the bill, but retains the requirement that the landlord attach the one-page to 2-page form providing information to the tenant when the landlord serves the eviction summons and complaint on the tenant. It also appropriates \$1,500,000 from the General Fund each year of the biennium to be distributed by the Maine Civil Legal Services Commission to provide legal representation to residents of the State with low income in eviction actions.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 1508

LR 873(02)

An Act To Prevent Homelessness by Establishing an Eviction Mediation Program

Fiscal Note for Bill as Amended by Committee Amendment "# (S-257)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings) General Fund	\$1,500,000	\$1,500,000	\$0	\$0
Appropriations/Allocations General Fund	\$1,500,000	\$1,500,000	\$0	\$0

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees may increase General Fund and other dedicated revenue by minor amounts.

Fiscal Detail and Notes

This bill includes General Fund appropriations to the Civil Legal Services Fund Commission within the Judicial Department of \$1,500,000 in fiscal years 2021-22 and 2022-23 for legal representation for low-income individuals in forcible entry and detainer actions.