

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AND VETERANS AFFAIRS

AUGUST 1995

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*Sen. Albert G. Stevens, Jr.*  
*Sen. Michael H. Michaud*

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*Rep. Janice E. Labrecque*

*\*Denotes Chair*



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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**SPONSOR(S)**  
DAGGETT**COMMITTEE REPORT**  
OTP**AMENDMENTS ADOPTED****SUMMARY**

This bill revised the forcible entry and detainer laws concerning both appeals and personal property. It corrected a problem that occurs when the plaintiff prevails at the District Court level and the defendant-tenant appeals to the Superior Court. The bill required the District Court to transmit the case to the Superior Court without waiting for the preparation of a transcript of recorded testimony. It also specifically provided for the Superior Court to issue a stay of the writ of possession, delaying the eviction pending the appeal. The stay must be conditioned on the defendant's payment of the rent to the plaintiff or into escrow. The Court may also condition the stay on refraining from causing any nuisance or damage. If the conditions were violated, the Superior Court may vacate the stay and may require the plaintiff to provide security to protect the defendant's interest while the appeal is pending. If the defendant prevailed, the Superior Court could issue a remedial order to make the defendant whole. The bill also defined the term "security" and revised the provisions concerning forcible entry and detainer actions for personal property. It made the procedures consistent with other forcible entry and detainer actions. In disputes involving claim of title, the District Court could provide for discovery on an expedited schedule.

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