



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 347

H.P. 221

House of Representatives, January 31, 2023

**An Act Regarding In-court Appearance Requirements for Persons
Authorized to Serve Eviction Notices and the Process for Serving a
Writ of Possession**

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative CYRWAY of Albion.
Cosponsored by Senator MOORE of Washington and
Representatives: BRADSTREET of Vassalboro, CLUCHEY of Bowdoinham, DILL of Old
Town, DRINKWATER of Milford, GREENWOOD of Wales.

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

2 **Sec. 1. 14 MRSA §6001, sub-§7** is enacted to read:

3 7. Service of notice. If a notice served pursuant to this section, section 6002, section
4 6025 or Title 10, section 9097 is served by a person authorized to make service under
5 section 702 or 703, that person does not need to be present at the court hearing to testify to
6 the service of the notice. The written evidence of actual service of the notice must be
7 prescribed by rule of court.

8 **Sec. 2. 14 MRSA §6005, first ¶**, as amended by PL 1999, c. 248, §3, is further
9 amended to read:

10 When the defendant is defaulted or fails to show sufficient cause, judgment must be
11 rendered against the defendant by the District Court for possession of the premises. Seven
12 calendar days after the judgment is entered, the court shall issue the writ of possession to
13 remove the defendant. The writ may be served by a sheriff or a constable. ~~If at least 3~~
14 After one good faith efforts on 3 different days have effort has been made to serve the
15 defendant, service may be accomplished by both mailing the notice by first-class mail to
16 the defendant's last known address and leaving the writ of possession at the defendant's last
17 and usual place of abode. A writ of possession may not issue in any case in which the
18 ground for termination of the tenancy at will was rent arrearage and the defendant paid the
19 amount necessary to reinstate the tenancy as provided by section 6002.

20 **SUMMARY**

21 This bill provides that if a sheriff, deputy or constable serves a notice in connection
22 with an eviction, that sheriff, deputy or constable does not need to be present at the court
23 hearing to testify to the service of the notice. It also provides that after one good faith effort
24 has been made to serve the defendant with a writ of possession, service may be
25 accomplished by both mailing the notice by first-class mail to the defendant's last known
26 address and leaving the writ of possession at the defendant's last and usual place of abode.
27 Current law requires 3 good faith efforts on 3 different days to serve the defendant.