



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 71

H.P. 65

House of Representatives, January 16, 2015

**An Act To Amend the Laws Governing Service of Process in  
Eviction Actions**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative FREDETTE of Newport.

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

2 **Sec. 1. 14 MRSA §6004**, as repealed and replaced by PL 2013, c. 135, §1, is  
3 amended to read:

4 **§6004. Commencement of action**

5 ~~Until September 1, 2016, the~~ The process of forcible entry and detainer must be  
6 commenced and service made in the same manner as other civil actions, except that if at  
7 least 3 good faith efforts on 3 different days have been made to serve the defendant,  
8 service may be accomplished by both mailing the summons and complaint by first-class  
9 mail to the defendant's last known address and leaving the summons and complaint at the  
10 defendant's last and usual place of abode. If service has been made by mailing and  
11 posting the summons and complaint, the plaintiff shall file with the court an affidavit  
12 demonstrating that compliance with the requirement of service has occurred. When the  
13 plaintiff lives out of the State and a recognizance is required of the plaintiff, any person  
14 may recognize in the plaintiff's behalf and is personally liable. ~~This paragraph is repealed~~  
15 ~~September 1, 2016.~~

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

20 **SUMMARY**

21 This bill repeals language that was included when this section of law was amended in  
22 2013 that required the law to be repealed September 1, 2016, at which time the original  
23 law would go back into effect. The section of law that continues in effect requires that a  
24 plaintiff in an eviction case mail and post the summons as well as the complaint after 3  
25 good faith attempts to serve the defendant in hand have been unsuccessful. It requires the  
26 plaintiff to file an affidavit that the service has occurred, as is required under Rule 4 of  
27 the Maine Rules of Civil Procedure when the court orders service by the mailing and  
28 posting of the summons and complaint.