

**§2859. Summary process**

In cases involving an immediate and serious threat to the public health, safety or welfare, in addition to any other remedies, a municipality or a county may obtain an order of demolition by summary process in Superior Court, in accordance with this section. [PL 2019, c. 557, §3 (AMD).]

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

[PL 2019, c. 557, §4 (AMD).]

**2. Order of notice.** Whenever a complaint is filed under this section, the justice before whom it is brought, acting ex parte, shall promptly issue an order:

A. Requiring the owner and all parties in interest to appear and show cause why the building should not be ordered demolished; [PL 2017, c. 136, §8 (AMD).]

B. Specifying the method of service of the order and the complaint; [PL 1981, c. 43 (NEW).]

C. Setting a time and place for hearing the complaint, which shall be the earliest possible time but not be later than 10 days from the date of filing; and [PL 1981, c. 43 (NEW).]

D. Fixing the time for filing an answer to the complaint if the court determines that an answer is required. [PL 1981, c. 43 (NEW).]

[PL 2017, c. 136, §8 (AMD).]

**3. Enlargement of time; default.** The court may for good cause shown enlarge the time for the hearing. If the owner or parties-in-interest, or any of them, fail to answer, if an answer is required, or fail to appear as directed, or to attend the hearing at the time appointed or as enlarged, the court shall order a default judgment to be entered with respect to the owner or parties-in-interest.

[PL 1981, c. 43 (NEW).]

**4. Hearing.** After hearing, the court shall enter judgment. If the judgment requires removal of the building, the court shall award costs to the municipality or the county as authorized by this subchapter. The award of costs may be contested and damages sought in a separate action to the extent permitted by subsection 7.

[PL 2019, c. 557, §5 (AMD).]

**5. Appeal.** A judgment requiring demolition issued pursuant to this section may not be appealed. The owner of a building that is the subject of an order issued under this section or a party in interest may appeal the award of costs, if any, or seek damages for wrongful removal pursuant to subsection 7.

[PL 2017, c. 136, §9 (AMD).]

**6. Stay.** No judgment authorizing demolition may be stayed pending appeal, unless the court first determines that granting a stay would not pose a significant risk to the public health, safety or welfare.

[PL 1981, c. 43 (NEW).]

**7. Damages.** Any complaint that either seeks damages for the wrongful removal of a building or challenges the award of costs must be filed no later than 30 days from the date of the judgment or order that is the subject of the appeal. The damages that may be awarded for wrongful demolition are limited to the actual value of the building at the time of its removal. The provisions of Title 14, section 7552 do not apply. If the municipality or the county prevails, the court may award it its costs in defending any appeal, which may include, but are not limited to, reasonable attorney's fees.

[PL 2019, c. 557, §6 (AMD).]

## SECTION HISTORY

PL 1981, c. 43 (NEW). PL 1995, c. 450, §6 (AMD). RR 2007, c. 2, §5 (COR). PL 2017, c. 136, §§7-10 (AMD). PL 2019, c. 557, §§3-6 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 132nd Maine Legislature and is current through October 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.