

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish a Mediation Process for Landlord-tenant Disputes**

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

**Sec. 1. 14 MRSA §6004-A** is enacted to read:

### **§ 6004-A. Mediation**

The court may, in any case under this chapter, at any time refer the parties to mediation on any issue.

**1. Required mediation.** Prior to a contested hearing the court shall refer the parties to mediation except that the court may waive the mediation requirement under this subsection for good cause.

**2. Mediated agreement.** An agreement reached by the parties through mediation must be reduced to writing, signed by the parties and presented to the court for approval as a court order.

**3. No agreement; good faith effort required.** When agreement through mediation is not reached on an issue, the court shall determine that the parties made a good faith effort to mediate the issue before proceeding with a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may order the parties to submit to mediation, may dismiss the action or a part of the action, may render a decision or judgment by default, may assess attorney's fees and costs or may impose any other sanction that is appropriate in the circumstances.

**4. Waiver of mediation; questions of law.** The court may hear motions to waive mediation in cases in which there are no facts at issue and all unresolved issues are questions of law.

**5. Mediators provided.** The Court Alternative Dispute Resolution Service, established in Title 4, section 18-B, shall provide mediators for mediations under this section.

**6. Rules; fees.** The Supreme Judicial Court shall adopt rules of procedure and a schedule of fees for actions under this chapter.

## **SUMMARY**

This bill requires mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial and provides a good cause exception process. The bill requires the Court Alternative Dispute Resolution Service to provide the mediators for the mediations. The bill directs the Supreme Judicial Court to adopt rules for fees and of procedure for landlord-tenant mediation.