

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. 10 MRSA §9097-B**, as enacted by PL 1995, c. 60, §1, is amended to read:

### **§ 9097-B. Entry and detainer**

Process of forcible entry and detainer pursuant to Title 14, chapter 709 must be used in mobile home evictions. This process includes mediation under Title 14, chapter 709, subchapter 1.

**Sec. 2. 14 MRSA §6004-A** is enacted to read:

### **§ 6004-A. Mediation**

The court may, in any residential tenancy under this subchapter, at any time refer the parties to mediation on any issue.

**1. 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.

**2. 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.

**3. Mediation not ordered; consent.** The court may not order mediation in cases in which no mediator is available or mediation would delay any hearing in the matter, unless the parties consent to a delay in the proceedings to allow mediation to take place.

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

**5. Rules; fees.** The Supreme Judicial Court may adopt rules of procedure for actions under this chapter.

**Sec. 3. Fees.** The Supreme Judicial Court may assess a fee pursuant to the Maine Revised Statutes, Title 4, section 18-B as a part of the filing fee for actions under Title 14, chapter 709 to pay for mediation under this Act.

**Sec. 4. Report.** The Court Alternative Dispute Resolution Service, established in the Maine Revised Statutes, Title 4, section 18-B, shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 2009 about the efficiency and use of the residential tenancy mediation program established by this Act.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior, District and Administrative 0063**

Initiative: Allocates funds to cover the cost of providing mediation in landlord-tenant disputes.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$11,250	\$22,500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> \$11,250	\$22,500

**Sec. 6. Effective date.** This Act takes effect January 1, 2008.

Effective January 1, 2008.