

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1746

6
7 S. P. 743 Office of the Secretary of the Senate
8 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

Reference to the Committee on Judiciary suggested and 1,600
Ordered Printed.

9 MAY M. ROSS, Secretary of the Senate
10 Presented by Senator Devoe of Penobscot.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 AN ACT to Establish a Small Claims Court.
18

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

20 **Sec. 1.** 14 MRSA §§7461-7475, as enacted by PL 1979, c.
21 700, §4, are repealed.

22 **Sec. 2.** 14 MRSA §§7481-7485 are enacted to read:

23 §7481. Small Claims Act

24 There is established a small claims proceeding for the
25 purpose of providing a simple, speedy and informal court
26 procedure for the resolution of small claims. It shall be
27 an alternative, not an exclusive, proceeding.

28 §7482. Definition of a small claim

1 A "small claim" means a right of action cognizable by a
2 court if the debt or damage does not exceed \$800 exclusive
3 of interest and costs. It shall not include an action
4 involving the title to real estate.

5 §7483. Venue

6 A small claim shall be brought in the division of the
7 District Court where the defendant resides, where the defen-
8 dant has a place of business or, if the defendant is a cor-
9 poration or partnership, where its registered agent resides.

10 §7484. Procedures

11 The procedures with respect to the commencement of the
12 action, the fee, the notice to the parties, the settlement
13 or hearing, the judgment, appeal and post judgment proceed-
14 ings shall be set forth in rules of procedure promulgated by
15 the Supreme Judicial Court. Such rules shall further provide
16 that:

17 1. Rules of evidence. The rules of evidence shall not
18 apply at the hearing and the court shall assist in develop-
19 ing all relevant facts;

20 2. Waiver of fees. The plaintiff may file an in forma
21 pauperis application for waiver of fees; and

22 3. Removal. There shall be no removal of small claims
23 action to Superior Court.

24 §7485. Effect of judgment

25 Any fact found or issue adjudicated in a proceeding
26 under this chapter, may not be deemed found or adjudicated
27 for the purpose of any other cause of action. The judgment
28 obtained shall be res judicata as to the amount in contro-
29 versy. The only recourse to an adverse decision shall be by
30 appeal.

31 STATEMENT OF FACT

32 The purpose of this bill is to establish a small claims
33 court whereby litigants with claims under \$800 can appear
34 without attorneys and present their claims to the court.

1 This bill simply authorizes a small claims proceeding leav-
2 ing the details of procedure to the rulemaking authority of
3 the Supreme Judicial Court.

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