

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 3

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

## Chapter 109.

### Small Claims.

**Sec. 1. "Small claim" defined.**—A "small claim" is any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$100. (1945, c. 307, 1957, c. 44. 1961, c. 39.)

**Effect of amendments.** — The 1957 claim from \$35 to \$50 and the 1961 amendment increased the amount of the amendment increased it from \$50 to \$100.

**Sec. 2. Procedure.** — There is established a simple, speedy and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a judge of a district court for the determination of a small claim. Such procedure shall be alternative and not exclusive. (1945, c. 307. 1947, c. 3, § 1. 1963, c. 402, § 158.)

**Effect of amendment.**—The 1963 amendment substituted "district" for "municipal" in the first sentence.

**Application of amending act.**—Section 280 of c. 402, P. L. 1963, provides that the

act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

**Sec. 3. Process.** — A plaintiff or his authorized attorney shall state the substance of his claim to the clerk of the district court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for a hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$3, from which the clerk is authorized to expend the costs of giving notice to defendant and the remainder to be retained by the court as costs. (1945, c. 307. 1947, c. 3, § 2; c. 278, § 1. 1949, c. 349, § 124. 1957, c. 198, § 1. 1963, c. 402, § 159.)

**Effect of amendments.** — The 1957 amendment increased the fee in the second sentence from \$2 to \$3.

The 1963 amendment substituted "clerk of the district court" for "judge, recorder

or clerk of the municipal court" in the first sentence and added the words following "\$3" in the last sentence.

**Application of amending act.**—See note to § 2.

**Sec. 4.** Repealed by Public Laws 1963, c. 402, § 160.

**Editor's note.**—The repealed section had been amended by P. L. 1957, c. 198, § 2; c. 281, § 1; c. 429, § 86.

**Application of repealing act.**—Section 280 of c. 402, P. L. 1963, provides that the

act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

**Sec. 5.** Repealed by Public Laws 1957, c. 198, § 3.

**Sec. 6. Notice to defendant.**—The judge shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered or certified mail addressed to the defendant at his last known post-office address, delivery of said notice to be restricted to the defendant in person, and directing the defendant to appear at a time and place of hearing which shall be not less than 14 days from the date said notice is mailed to defendant. A return receipt showing that defendant has received the statement at least 7 days prior to the time set for the hearing shall constitute an essential part of the service. If service is not effected by registered or certified mail, then the court may direct that service on the defendant be completed as in other actions at law at the expense of the plaintiff. (1945, c. 307. 1947, c. 3, § 4; c. 278, § 1. 1949, c. 268; c. 349, § 125. 1957, c. 281, § 2.)

**Effect of amendment.** — The 1957 amendment inserted the words "or certi-

fied" following the word "registered" in both the first and last sentences.