

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 303

H. P. 221 House of Representatives, January 21, 1971
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lund of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Increasing the Coverage and Entry Fee of Small Claims Law and
Defining Certain Procedures.**

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

Sec. 1. R. S., T. 14, § 7451, amended. Section 7451 of Title 14 of the Revised Statutes is amended to read as follows:

§ 7451. Definitions

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~~ \$200.

Sec. 2. R. S., T. 14, § 7453, amended. The 3rd sentence of section 7453 of Title 14 of the Revised Statutes is amended to read as follows:

The plaintiff or his authorized attorney shall at the same time pay an entry fee of ~~\$3~~ \$5, 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.

Sec. 3. R. S., T. 14, § 7455, amended. Section 7455 of Title 14 of the Revised Statutes is amended by adding at the end the following sentence:

Whenever the plaintiff or his authorized attorney fails to appear on the return date, the complaint shall be dismissed. The judge may continue the case when he is satisfied that the plaintiff's failure to appear is for good and sufficient reason.

STATEMENT OF FACT

This Act increases the coverage in the Small Claims Law from \$100 to \$200. This is a reasonable figure because of inflation, a higher wage level and advancing price structure.

It also increases the filing fee from \$3 to \$5 for help in defraying the costs of court.

It also defines more certainly the procedure to be followed when the defendant appears and the plaintiff is not present. The procedure should eliminate hardship on the average small claim defendant.