

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE (Filing No. S-140)
108TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 301, L.D. 927, Bill, "AN
ACT Concerning the Small Claims Laws."

Amend the Bill in section 1 in that part designated "§7451."
by striking out in the first sentence the underlined figure "\$500"
and inserting in its place the underlined figure '\$800'

Further amend the Bill in section 2 by striking out all of
the last underlined paragraph and inserting in its place the
following:

'On the return day, the judge shall enter judgment by
default for the plaintiff for the amount claimed together with
his costs in the event that the defendant fails to appear. If
the plaintiff fails to appear and the defendant appears, judg-
ment by default shall be entered for the defendant. If neither
party appears, the judge may dismiss the action with prejudice.'

Further amend the Bill by striking out all of section 5
and inserting in its place the following:

'Sec. 5. 14 MRSA §7459 is enacted to read:
§7459. Action against minor

No action under this chapter shall be brought against a
minor.'

Further amend the Bill by striking out all of section 6.

Statement of Fact

This amendment is identical to Committee Amendment "A" except in regard to section 1. That section of the original bill would have reduced the jurisdictional dollar for small claims cases from \$800 to \$500. The committee amendment would reduce it to \$600 instead. This amendment would keep the limit at \$800, as it has been for 2 years.

The purpose of the reduction of the limits and of the other changes to the jurisdiction on small claims in section 1 were to keep complex cases from being brought as small claims. This amendment would preserve the other jurisdictional changes proposed in section 1. It would limit small claims to cases involving contracts. Actions involving title to real estate and personal property, bailments, replevin and negligence claims could not be brought as small claims. The courts can handle such complex cases more efficiently when they are brought as regular civil actions and not as small claims.

(Curtis)
NAME:

COUNTY: Penobscot

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May 13, 1977

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