

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

L.D. 1979

(Filing No. H-972)

COMMITTEE AMENDMENT "A" to H.P. 1918, L.D. 1979,
Bill, "AN ACT to Clarify the Statute Relating to Attorneys
so that Nonattorneys may Appear in Small Claims Court on
Behalf of Corporations."

Amend the Bill by striking out everything after the
enacting clause and before the Statement of Fact and inserting
in its place the following:

Sec. 1. 4 MRSA §807, 3rd sentence, is amended to read:
This section shall not be construed to apply to practice
before any Federal Court by any person duly admitted to
practice therein; nor to a person pleading or managing his
own cause in court; nor to the officer or employee of a
corporation, partnership or governmental entity, who is not
an attorney, but is appearing for that organization in an
action cognizable as a small claim under Title 14, chapter 737.

Sec. 2. 14 MRSA §7452, as amended by PL 1977, c. 564,
§71, is further amended to read:

§7452. Procedure

There is established a simple, speedy and informal procedure
which a plaintiff or his authorized attorney or representative
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.

~~Notwithstanding Title 4, sections 807 to 811, a~~ A
corporation, partnership or governmental entity may appear
as a plaintiff or a defendant in such an action without an
authorized attorney, as provided under Title 4, section 807.

Sec. 3. 14 MRSA §7453, 1st sentence, is amended to read:

A plaintiff or his authorized attorney or representative 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.

Sec. 4. 14 MRSA §7453, last sentence, as amended by PL 1971, c. 206, §3, is further amended to read:

The plaintiff or his authorized attorney or representative shall at the same time pay an entry fee of \$5, from which the clerk is authorized to expend the costs of giving notice to defendant and notice to plaintiff and the remainder to be retained by the court as costs.'

Statement of Fact

This amendment clarifies the language of the bill and narrows its scope. Under this amendment, a corporation, partnership or governmental entity may appear in a small claims action by way of an officer or employee who is not an attorney.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.
1/23/78

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