

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1325

S. P. 469

In Senate, March 17, 1981

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Devoe of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish a Small Claims Court.

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

Sec. 1. 14 MRSA §§ 7461-7475, as enacted by PL 1979, c. 700, § 4, are repealed.

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

§ 7481. Small Claims Act

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

§ 7482. Definition of a small claim

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

§ 7483. Venue

A small claim shall be brought in the division of the District Court where the defendant resides, where the defendant has a place of business or, if the defendant is a corporation or partnership, where its registered agent resides.

§ 7484. Procedures

The procedures with respect to the commencement of the action, the fee, the notice to the parties, the settlement or hearing, the judgment, appeal and post judgment proceedings shall be set forth in rules of procedure promulgated by the Supreme Judicial Court. Such rules shall further provide that:

1. Rules of evidence. The rules of evidence shall not apply at the hearing and the court shall assist in developing all relevant facts;
2. Waiver of fees. The plaintiff may file an in forma pauperis application for waiver of fees; and
3. Removal. There shall be no removal of small claims action to Superior Court.

§ 7485. Effect of judgment

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

STATEMENT OF FACT

The purpose of this bill is to establish a small claims court whereby litigants with claims under \$800 can appear without attorneys and present their claims to the court. This bill simply authorizes a small claims proceeding leaving the details of procedure to the rulemaking authority of the Supreme Judicial Court.