

MAINE STATE LEGISLATURE

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L.D. 1746

(Filing No. S-426)

2

STATE OF MAINE

3

SENATE

4

110TH LEGISLATURE

5

SECOND REGULAR SESSION

6

COMMITTEE AMENDMENT " A" to S.P. 743, L.D. 1746, Bill,

7

"AN ACT to Establish a Small Claims Court."

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Amend the Bill in section 2 by striking out all of that
part designated "§7481." and inserting in its place the fol-
lowing:

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'§7481. Small Claims Act; jurisdiction

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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. The District
Court shall have jurisdiction of small claims actions. The
District Court shall have the power to grant monetary and
equitable relief in these actions. Equitable relief is
limited to orders to return, reform, refund, repair or
rescind.

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Further amend the Bill in section 2 in that part desig-
nated "§7482." in the 3rd line (page 2, line 2 in L.D.) by
striking out the underlined figure "\$800" and inserting in
its place the underlined figure '\$1,000'

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Further amend the Bill in section 2 in that part desig-
nated "§7484." by striking out all of subsections 1 to 3 and
inserting in their place the following:

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1. Notice to defendant. The clerk shall cause notice
of the claim, date, time and place of the hearing to be
given to the defendant by postpaid registered or certified
mail, addressed to his last known post office address;

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2. Rules of evidence. The rules of evidence shall not
apply at the hearing and the court shall assist in develop-
ing all relevant facts;

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3. Waiver of fees. The plaintiff may file an in forma

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2 pauperis application for waiver of fees;

3 4. Removal. There shall be no removal of small claims
4 action to Superior Court; and

5 5. Disclosure. There shall be a simplified enforce-
6 ment of money judgment proceeding through which a judgment
7 creditor may obtain the appearance of the judgment debtor at
8 a disclosure hearing. The enforcement of money judgment
9 proceeding shall be consistent with the provisions of chap-
10 ter 502, except that the subpoena requirement may be met by
11 another form of notice.

12 Further amend the Bill in section 2 in that part desig-
13 nated "\$7485." in the 6th line (page 2, line 29 in L.D.) by
14 striking out the underlined word "to" and inserting in its
15 place the underlined word 'from'

16 Further amend the Bill by inserting at the end before
17 the statement of fact the following:

18 'Sec. 3. Effective date. This Act shall take effect
19 on November 1, 1982.'

20 STATEMENT OF FACT

21 This amendment does several things.

22 1. The amendment replaces the Revised Statutes, Title
23 14, section 7481 in the bill to provide the District Court
24 with jurisdiction over small claims actions and to grant the
25 court authority to provide monetary and equitable relief.

26 2. The amendment raises the jurisdictional amount for
27 small claims actions from \$800 to \$1,000.

28 3. The amendment requires the Supreme Judicial Court
29 to provide by rule that notice to the defendant of the ini-
30 tiation of a small claims action against him and of the
31 hearing date, time and place shall be by registered mail.

32 4. The amendment provides for a simplified enforcement
33 of money judgment proceeding to be adopted by court rule
34 through which the judgment debtor may be required to appear

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2 at a disclosure hearing.

3 5. The amendment provides that the bill shall not go
4 into effect until November 1, 1982.

5 5231031682

in Report "A"
Reported/by the Committee on Judiciary.

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