

MAINE STATE LEGISLATURE

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S.
D. OF R.

1

L.D. 1746

(Filing No. S-427)

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STATE OF MAINE

3

SENATE

4

110TH LEGISLATURE

5

SECOND REGULAR SESSION

6

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

7

"AN ACT to Establish a Small Claims Court."

8

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

11

'§7481. Small Claims Act; jurisdiction

12

There is established a small claims proceeding for the
13 purpose of providing a simple, speedy and informal court
14 procedure for the resolution of small claims. It shall be
15 an alternative, not an exclusive, proceeding. The District
16 Court shall have jurisdiction of small claims actions. The
17 District Court shall have the power to grant monetary and
18 equitable relief in these actions. Equitable relief is
19 limited to orders to return, reform, refund, repair or
20 rescind.

21

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

25

Further amend the bill in section 2 in that part desig-
26 nated "§7483." in the 3rd line (page 2, line 7 in L.D.) by
27 adding after the underlined word "Court" the underlined
28 words and punctuation 'where the transaction occurred,'

29

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

32

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

D. OF R.

1 COMMITTEE AMENDMENT "B" to S.P. 743, L.D. 1746

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

5 3. Waiver of fees. The plaintiff may file an in forma
6 pauperis application for waiver of fees;

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

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

16 Further amend the Bill in section 2 in that part design-
17 nated "§7485." in the 6th line (page 2, line 29 in L.D.) by
18 striking out the underlined word "to" and inserting in its
19 place the underlined word 'from'

20 Further amend the Bill by inserting at the end before
21 the statement of fact the following:

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

24 STATEMENT OF FACT

25 This amendment does several things.

26 1. The amendment replaces the Revised Statutes, Title
27 14, section 7481 in the bill to provide the District Court
28 with jurisdiction over small claims actions and to grant the
29 court authority to provide monetary and equitable relief.

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

32 3. The amendment adds a new phrase to the venue
33 section of the bill, permitting a small claims' action to be
34 brought in the place where the transaction occurred. The

1 COMMITTEE AMENDMENT "B" to S.P. 743, L.D. 1746

2 bill generally limits venue to places connected with the
3 defendant. Adding "where the transaction occurred" should
4 assist plaintiffs in bringing claims.

5 4. The amendment requires the Supreme Judicial Court
6 to provide by rule that notice to the defendant of the ini-
7 tiation of a small claims action against him and of the
8 hearing date, time and place shall be by registered mail.

9 5. The amendment provides for a simplified enforcement
10 of money judgment proceeding to be adopted by court rule
11 through which the judgment debtor may be required to appear
12 at a disclosure hearing.

13 6. The amendment provides that the bill shall not go
14 into effect until November 1, 1982.

15

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Reported in Report "C" by the Committee on Judiciary.

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