

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 398, L.D. 1215)

2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE  
5

6 Legislative Document

No. 1655

7  
8 S.P. 576

In Senate, May 20, 1983

9 Reported by Senator Collins of Knox from the Committee on Judiciary  
10 and printed under Joint Rule 2.

Original bill presented by Senator Sewall of Lincoln.

11 JOY J. O'BRIEN, Secretary of the Senate

12  
13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-THREE  
17

18 AN ACT Concerning Representation of  
19 Small Businesses Appearing in Small Claims  
20 Court.  
21

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

24 4 MRSA §807, first ¶, as amended by PL 1979, c.  
25 700, §2, is further amended to read:

26 Unless duly admitted to the bar of this State, no  
27 person shall may practice law or any branch thereof,  
28 or hold himself out to practice law or any branch  
29 thereof, within the State or before any court  
30 therein, or demand or receive any remuneration for  
31 such services rendered in this State. Whoever, not  
32 being duly admitted to the bar of this State, shall  
33 practice law or any branch thereof, or hold himself  
34 out to practice law or any branch thereof, within the  
35 State or before any court therein, or demand or

1 receive any remuneration for such services rendered  
2 in this State, shall be guilty of a Class E crime.  
3 This section shall not be construed to apply to prac-  
4 tice before any Federal Court by any person duly  
5 admitted to practice therein; nor to a person plead-  
6 ing or managing his own cause in court; nor to the  
7 officer or employee of a corporation, partnership,  
8 sole proprietorship or governmental entity, who is  
9 not an attorney, but is appearing for that organiza-  
10 tion in an action cognizable as a small claim under  
11 Title 14, chapter 738. In all proceedings, the fact,  
12 as shown by the records of the Administrative Assis-  
13 tant to the Chief Justice, that such person is not  
14 recorded as a member of the bar shall be prima facie  
15 evidence that he is not a member of the bar licensed  
16 to practice law in the State.

#### 17 STATEMENT OF FACT

18 The purpose of this new draft is to make it pos-  
19 sible for an employee of a sole proprietorship who is  
20 not an attorney to represent the sole proprietorship  
21 in a small claims action.

22 The original bill added a provision to the stat-  
23 utes on small claims which permitted nonattorneys to  
24 represent corporations, partnerships, sole  
25 proprietorships and governmental entities. However,  
26 as of November 1, 1982, much of the procedure of  
27 small claims court became governed by court rule  
28 rather than statute. Representation by others than  
29 attorneys is covered by these rules.

30 The change made by this new draft will permit the  
31 court rules to be amended to authorize employees of  
32 sole proprietorships to appear for the sole  
33 proprietorship in small claims court.

34 3962051883