

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 134, L.D. 272, Bill, "An Act to Revise the Small Claims Laws"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, limiting the number of small claims filed in a single time period seriously hampers access to the courts; and

Whereas, small claims actions require vast amounts of time from the already overburdened District Court clerks; and

Whereas, it is in the public interest to guarantee access to the Maine courts while providing the resources necessary to ensure that the access is meaningful as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 14 MRSA §7484-A, sub-§1, as enacted by PL 1991, c. 9, Pt. E, §12, is amended to read:

1. Rules by Supreme Judicial Court. The procedures with respect to the commencement of the action, the fee, the notice to

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2 the parties, the settlement or hearing, the judgment, appeal and
3 ~~post-judgment~~ postjudgment proceedings must be set forth in rules
4 of procedure adopted by the Supreme Judicial Court. Rules
5 adopted under this section may not restrict the number of claims
6 that may be filed in any given period.

7 **Sec. 2. 14 MRSA §7484-A, sub-§2,** as enacted by PL 1991, c. 9,
8 Pt. E, §12, is repealed.

9 **Sec. 3. Appropriation.** The following funds are appropriated
10 from the General Fund to carry out the purposes of this Act.

| | 1991-92 | 1992-93 |
|----|---|-----------|
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | JUDICIAL DEPARTMENT | |
| 15 | | |
| 16 | Courts - Supreme, Superior, 17 District and Administrative | |
| 18 | | |
| 19 | Positions | (10) |
| 20 | Personal Services | \$191,910 |
| 21 | | (10) |
| 22 | Provides funds for 10 | |
| 23 | additional assistant clerk | |
| 24 | positions to process small | |
| 25 | claims cases. | |
| 26 | | |
| 27 | | |
| 28 | | |
| 29 | | |
| 30 | | |
| 31 | | |
| 32 | | |
| 33 | | |
| 34 | General Fund | \$191,910 |
| 35 | | \$201,500 |

36 **Emergency clause.** In view of the emergency cited in the
37 preamble, this Act takes effect when approved.

38 **FISCAL NOTE**

| | 1991-92 | 1992-93 |
|----|-----------------------------------|-----------|
| 39 | | |
| 40 | | |
| 41 | | |
| 42 | APPROPRIATIONS/ALLOCATIONS | |
| 43 | | |
| 44 | General Fund | \$191,910 |
| 45 | | \$201,500 |

46 This bill provides General Fund appropriations to the
47 Judicial Department for 10 assistant clerk positions to process
48 small claims cases.'

49 **STATEMENT OF FACT**

50 The amendment replaces the bill to correct and modify the
language covering the Supreme Judicial Court's rulemaking
authority for small claims actions as enacted by Public Law 1991,
chapter 9.

The amendment restricts the broad judicial rulemaking
discretion regarding small claims. It prohibits rules that limit
access to the courts by restricting the number of claims that may

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2 be filed in any given period. The amendment repeals specific
3 procedures governing statement of claim and notice of disclosure
4 that are inconsistent with the general rulemaking authority.

6 To ensure that the access to the courts as guaranteed by
7 this amendment is meaningful, an appropriation section is added
8 to provide for an additional 10 District Court clerks to process
9 small claims actions. Without the additional clerks the District
10 Court will not be able to process the number of small claim
11 actions any faster than the cases were handled when the one
12 filing per month rule was in effect.

14 The amendment also adds an emergency preamble, emergency
clause and a fiscal note.

Reported by Senator Gauvreau for the Committee on Judiciary
Reproduced and Distributed Pursuant to Senate Rule 12.
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