

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 271

House of Representatives, March 6, 1923.

Referred to Committee on Legal Affairs, and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Chalmers of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Establish a New Procedure for the Hearing and
Determination of Small Claims.

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

Section 1. The Justices of the Supreme Judicial Court
2 shall make uniform rules applicable to the several Muni-
3 cipal Courts and Trial Justices in the State of Maine, pro-
4 viding for a simple, uniform and inexpensive procedure,
5 hereinafter called "the procedure," for the determination
6 according to the rules of substantive law of claims in the
7 nature of contract or tort, other than libel and slander, in
8 which the plaintiff does not claim as debt or damages more
9 than Twenty Dollars (\$20) and for a review of judgment

10 upon such claims when justice so requires. The procedure
11 shall not be exclusive but shall be alternative to the formal
12 procedure for causes begun by writ.

Section 2. The procedure shall include beginning of
2 actions before any of said municipal courts or trial justices
3 having jurisdiction with an entry fee of One Dollar (\$1)
4 but without writ and without requirements except by
5 special order of such court or trial justice of other plead-
6 ings than a statement to the Clerk of such Municipal Court
7 or to such Trial Justice, who shall reduce the same to con-
8 cise written form in a docket kept for the purpose. The
9 procedure shall include immediate notice by registered mail
10 instead of the mode of service heretofore required, and
11 shall include provisions for an early hearing. The pro-
12 cedure may include the modification of any or all rules of
13 pleading and practice, anything contained in other chapters,
14 sections or acts notwithstanding, and may include a stay of
15 the entry of judgment or of the issue of execution. The
16 rules for the procedure may provide for the elimination of
17 any or all fees and costs, and that costs shall be in the dis-
18 cretion of the court.

Section 3. A plaintiff beginning a cause under the pro-
2 cedure shall be deemed to have waived a trial by jury and
3 any right of appeal to the superior or supreme judicial
4 courts; but if said cause shall be removed to the superior
5 or supreme judicial courts as hereinafter provided, the
6 plaintiff shall have the same right to claim a trial by jury

7 as if the cause had been begun in the superior or supreme
8 judicial courts. No other party to a cause under the pro-
9 cedure shall be entitled to an appeal or report. In lieu
10 thereof, any such party may, prior to the day upon which
11 he is notified to appear, file in the court where the cause is
12 pending a claim of trial by jury, and his affidavit that there
13 are questions of fact in the cause requiring trial, with
14 specifications thereof, and that such trial is intended in
15 good faith, together with the sum of three dollars (\$3) for
16 the entry of the cause in superior or supreme judicial
17 court; and thereupon the clerk of such Municipal Court or
18 such trial justice shall forthwith transmit such original
19 papers or attested copies thereof as the rules for the pro-
20 cedure may provide, and the superior or supreme judicial
21 court may try the cause as transmitted or may require
22 pleadings as in a cause begun by writ, but the cause may be
23 marked for trial on the list of causes advanced for speedy
24 trial by jury.

Section 4. In any cause begun by writ which might have
2 been begun under the uniform procedure herein provided
3 for, the rules may provide or the court may by special
4 order direct that the costs to be recovered by the plaintiff,
5 if he prevails, shall be eliminated in whole or in part.