

# MAINE STATE LEGISLATURE

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Senate Amendment A to Bill "An Act Relating to Small Claims" (H. P. 241) (L. D. 92)

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N I N E T Y - S E C O N D      L E G I S L A T U R E

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**Legislative Document**

**No. 1125**

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In Senate, April 5, 1945.

Ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Mr. Bishop of Sagadahoc County.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

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BILL, "AN ACT RELATING TO SMALL CLAIMS" (House Paper 241; Legislative Document 92) is hereby amended by striking out Sections 2 to 20 inclusive and substituting in place thereof the following:

**Sec. 2. Procedure established.** There is hereby established a simple, speedy, and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a justice of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.

**Sec. 3. Process.** A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of \$1.75.

**Sec. 4. Disposition of fees.** Of the amount of the entry fee the justice shall be allowed the sum of \$1 for his services, 25c to be used for postage for notice to the defendant, 25c for the use of the town in which the court is established and 25c for the clerk of the court, provided that in towns where there is no clerk of the municipal court in addition to the \$1 the justice shall be allowed 25c for his services as such clerk.

Sec. 5. Limitation of number of claims. No person shall be permitted to enter in any one court more than 5 small claims in any one week nor more than 20 small claims in any one month.

Sec. 6. Notice to defendant. The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by postpaid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at a time and place of hearing, which shall be not less than 14 days from the date said notice is mailed to defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the service. If service cannot be effected by registered mail as aforesaid, then the court may direct that service on the defendant be completed as in all other actions at law.

Sec. 7. Judgment. At the hearing, the technical rules of evidence shall not apply but the justice may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff recover, his costs shall be awarded to him in addition to the judgment in his behalf. In awarding judgment the justice may provide for payment thereof in instalments. The court shall render judgment for the plaintiff when the defendant fails to appear pursuant to said notice.

Sec. 8. Proceedings after judgment. All proceedings subsequent to the rendition of judgment shall follow the practice and procedure now provided for.