

MAINE STATE LEGISLATURE

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

Legislative Document

No. 14

S. P. 40

In Senate, January 9, 1947.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Dunbar of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Amending the Small Claims Law.

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

Sec. 1. R. S., c. 96-A, § 2, amended. Section 2 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'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 judge~~ of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.'

Sec. 2. R. S., c. 96-A, § 3, amended. Section 3 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 3. Process. A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the ~~justice judge, recorder~~ 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. 3. R. S., c. 96-A, § 4, amended. Section 4 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 4. Disposition of fees. Of the amount of the entry fee the ~~justice judge~~ 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 **or recorder** of the court, provided that in towns where there is no clerk **or recorder** of the municipal court in addition to the \$1 the ~~justice judge~~ shall be allowed 25c for his services as such clerk **or recorder.**'

Sec. 4. R. S., c. 96-A, § 6, amended. The 1st sentence of section 6 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'The ~~justice judge~~ 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.'

Sec. 5. R. S., c. 96-A, § 7, amended. Section 7 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby amended to read as follows:

'Sec. 7. Judgment. At the hearing, the technical rules of evidence shall not apply but the ~~justice judge~~ 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 judge~~ may provide for payment thereof in installments. The court shall render judgment for the plaintiff when the defendant fails to appear pursuant to said notice.'