

# 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

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Legislative Document

No. 906

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H. P. 1299

House of Representatives, February 14, 1947.

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Williams of Auburn.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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AN ACT Relating to Fees in the Small Claims Law.

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

**Sec. 1. R. S., c. 96-A, §§ 3, 6, amended.** Sections 3 and 6 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, are 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 a hearing. The plaintiff or his authorized attorney shall at the time pay an entry fee of ~~\$1.75~~ **\$2.75.**'

**'Sec. 6. Notice to defendant.** 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, **delivery of said notice to be restricted to the defendant in person**, 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 A return~~ receipt showing that defendant has received the statement **at least 7**

days prior to the time set for the hearing 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. 2. R. S., c. 96-A, § 4, repealed and replaced. Section 4 of chapter 96-A of the revised statutes, as enacted by chapter 307 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Disposition of fees. Of the amount of the entry fee, the judge and the clerk or recorder shall each receive \$1, to be retained by them for their services in addition to their other fees or their salaries, and in towns where there is no clerk or recorder of the municipal court the judge shall be allowed \$2 for his services as judge and clerk or recorder, to be retained as aforesaid. Of the 75c remaining a sufficient sum shall be applied directly on the registered postage mentioned below and the balance shall be disposed of as provided for other civil fees by the acts establishing the respective courts.'