

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Ninety-first and Ninety-second  
Legislatures  
OF THE  
STATE OF MAINE

From April 10, 1943 to April 21, 1945  
AND MISCELLANEOUS STATE PAPERS  
From April 10, 1943 to May 24, 1945

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Published by the Revisor of Statutes in accordance  
with Chapter 10 of the Revised Statutes of 1944.

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1945

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-second Legislature

**1945**

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Every report shall be without prejudice and the fact that it was made shall be admissible in evidence solely to prove a compliance with this section, but no report, or any part thereof, or statement contained therein, or statement made, or testimony taken at any hearing before the secretary of state or any of his deputies held under the provisions of section 4 of chapter 19, or decision made as a result thereof, shall be admissible in evidence for any purpose in any trial, civil or criminal, arising out of such accident.

Whoever is required to make a report as herein provided and fails to do so, or wilfully fails to give correct information required of him by the chief of the state police pertinent to any requisite report shall be deemed answerable to the secretary of state, and the secretary for either of said causes may suspend or revoke the operator's license of such person or the certificate of registration, or both, of any or all motor vehicles owned by him; and on like failure by a non-resident the secretary may suspend or revoke the privileges of such non-resident to operate a motor vehicle in this state and the operation within this state of any motor vehicle owned by him.'

Effective July 21, 1945

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## Chapter 307

### AN ACT Relating to Small Claims.

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

R. S., c. 96-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 96-A, to read as follows:

#### Chapter 96-A.

#### Small Claims.

Sec. 1. "Small claim" defined. A "small claim" is any right of action cognizable by a court of law not involving the title to real estate in which the debt or damage claimed does not exceed \$35.

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

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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 installments. 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.