

MAINE STATE LEGISLATURE

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

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
From May 25, 1945 to May 14, 1947

Published by the Revisor of Statutes in accordance
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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

purpose shall be in accordance with the provisions of sections 12 to 22, inclusive, of chapter 48.'

Effective August 13, 1947

Chapter 3

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

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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.'

Effective August 13, 1947

Chapter 4

AN ACT Relating to Tenure of Office of Civil Officers Appointed by the Governor.

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

R. S., c. 11, § 5-A, additional. Chapter 11 of the revised statutes is hereby amended by adding thereto a new section to be numbered 5-A, to read as follows:

'Sec. 5-A. Civil officers, other than judicial officers, to serve until successors qualified. All civil officers, other than judicial officers, appointed by the governor with the advice and consent of the council and whose terms of office are fixed by law, shall hold office during the term for which they were appointed and until their successors in office have been appointed and qualified, unless sooner removed in accordance with law.'

Effective August 13, 1947