

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co.  
Augusta, Maine  
1981

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

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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the change be applied to all service reflected in meter readings on or after the effective date of the change, or to such other period as it deems just and reasonable.

Effective July 13, 1982.

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## CHAPTER 667

S.P. 743 - L.D. 1746

AN ACT to Establish a Small Claims Court.

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

**Sec. 1.** 14 MRSA §§7461-7475, as enacted by PL 1979, c. 700, §4, are repealed.

**Sec. 2.** 14 MRSA §§7481-7485 are enacted to read:

§7481. Small Claims Act; jurisdiction

There is established a small claims proceeding for the purpose of providing a simple, speedy and informal court procedure for the resolution of small claims. It shall be an alternative, not an exclusive, proceeding. The District Court shall have jurisdiction of small claims actions. The District Court shall have the power to grant monetary and equitable relief in these actions. Equitable relief is limited to orders to return, reform, refund, repair or rescind.

§7482. Definition of a small claim

A "small claim" means a right of action cognizable by a court if the debt or damage does not exceed \$1,000 exclusive of interest and costs. It shall not include an action involving the title to real estate.

§7483. Venue

A small claim shall be brought in the division of the District Court where the transaction occurred, where the defendant resides, where the defendant has a place of business or, if the defendant is a corporation or partnership,

where its registered agent resides.

#### §7484. Procedures

The procedures with respect to the commencement of the action, the fee, the notice to the parties, the settlement or hearing, the judgment, appeal and post judgment proceedings shall be set forth in rules of procedure promulgated by the Supreme Judicial Court. Such rules shall further provide that:

1. Notice to defendant. The clerk shall cause all notices given to the defendant in a small claims action, including, but not limited to, notice of the claim, date, time and place of the hearing and notice of any disclosure hearing, to be sent by postpaid registered or certified mail, addressed to the last known post office address of the defendant;

2. Rules of evidence. The rules of evidence shall not apply at the hearing and the court shall assist in developing all relevant facts;

3. Waiver of fees. The plaintiff may file an in forma pauperis application for waiver of fees;

4. Removal. There shall be no removal of small claims action to Superior Court; and

5. Disclosure. There shall be a simplified enforcement of money judgment proceeding through which a judgment creditor may obtain the appearance of the judgment debtor at a disclosure hearing. The enforcement of money judgment proceeding shall be consistent with the provisions of chapter 502, except that the subpoena requirement may be met by another form of notice.

#### §7485. Effect of judgment

Any fact found or issue adjudicated in a proceeding under this chapter, may not be deemed found or adjudicated for the purpose of any other cause of action. The judgment obtained shall be res judicata as to the amount in controversy. The only recourse from an adverse decision shall be by appeal.

**Sec. 3. Effective date.** This Act shall take effect on November 1, 1982.