

MAINE STATE LEGISLATURE

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NINTH REVISION

REVISED STATUTES

OF THE

STATE OF MAINE

1954

FIRST ANNOTATED REVISION

IN FIVE VOLUMES

VOLUME 3



THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA

Chapter 109.

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. (1945, c. 307.)

Sec. 2. Procedure.—There is established a simple, speedy and informal procedure which a plaintiff or his authorized attorney may pursue in an action commenced before a judge of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive. (1945, c. 307. 1947, c. 3, § 1.)

Sec. 3. Process.—A plaintiff or his authorized attorney shall state the substance of his claim to the 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 same time pay an entry fee of \$2. (1945, c. 307. 1947, c. 3, § 2; c. 278, § 1. 1949, c. 349, § 124.)

Sec. 4. Fees.—Of the amount of the entry fee, the judge shall receive 75c. Of the \$1.25 remaining a sufficient sum shall be applied directly on the registered postage mentioned in section 6 and the balance shall be retained by the clerk or recorder, or in towns where there is no clerk or recorder, by the judge in addition to the 75c fee mentioned above. (1945, c. 307. 1947, c. 3, § 3; c. 278, § 2. 1951, c. 266, § 113.)

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. (1945, c. 307.)

Sec. 6. Notice to defendant.—The 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. 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 is not effected by registered mail as aforesaid, then the court may direct that service on the defendant be completed as in other actions at law at the expense of the plaintiff. (1945, c. 307. 1947, c. 3, § 4; c. 278, § 1. 1949, c. 268; c. 349, § 125.)

Sec. 7. Judgment.—At the hearing, the technical rules of evidence shall not apply but the judge may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff recovers, his costs shall be awarded to him in addition to the judgment in his behalf. In awarding judgment the 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. (1945, c. 307. 1947, c. 3, § 5.)

Sec. 8. Proceedings after judgment.—All proceedings subsequent to the rendition of judgment shall follow the practice and procedure now provided for. (1945, c. 307.)