

LD 879 – An Act to Increase the Small Claims Limit in Certain Home Construction Cases

## Testimony of John Brautigam, Esq. for Legal Services for Maine Elders Joint Standing Committee on Judiciary

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary.

My name is John Brautigam, and I am here today on behalf of Legal Services for Maine Elders. LSE provides free legal help for Mainers aged 60 and older when their basic human needs are at stake.

My name is John Brautigam, and I serve as the Public Policy Advocate for Legal Services for Maine Elders. Thank you for the opportunity to testify in support of LD 879, An Act to Increase the Small Claims Limit in Certain Home Construction Cases.

Legal Services for Maine Elders provides free legal assistance to older residents across the state — many of whom are homeowners aging in place on fixed incomes. These Mainers often need essential home improvements to remain safe and independent in their homes. Unfortunately, they are also vulnerable to contractor fraud, substandard work, and outright nonperformance. When the cost of the project exceeds the \$6,000 cap on small claims actions, they are forced to pursue their legal rights through more complex and costly Superior Court proceedings — a process that is out of reach for many of our clients.

This bill offers a narrowly tailored solution: it would raise the small claims dollar limit to \$25,000 only for cases involving a home construction contract, as defined under Maine's Home Construction Contracts Act. It does not change the limit for other types of claims, and it does not alter the existing protections or due process rights of defendants. It simply allows homeowners — many of them older and low-income — to pursue legitimate claims for defective or incomplete home repairs in a forum that is accessible, efficient, and affordable.

To illustrate the importance of this bill, let me share a few illustrations. These are hypothetical but based on our experience similar instances could be occurring around the state:

• **Case of "Mrs. Thompson"** — A 78-year-old widow in rural Maine hired a contractor to install a wheelchair-accessible ramp for \$8,500. The contractor abandoned the job halfway through and left the site unsafe. Because her claim exceeded the small claims limit, Mrs. Thompson had no

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realistic avenue for redress. She couldn't afford a private attorney, and she was physically unable to travel to a distant courthouse for a formal trial.

- **Case of "Mr. and Mrs. Patel"** This retired couple spent \$12,000 to convert their bathroom into an accessible space following a stroke. The contractor's work was substandard and led to water damage and mold. When they tried to file a claim, they discovered they would have to start in Superior Court. With no legal training and limited savings, they dropped the case entirely bearing the financial and health costs themselves.
- **Case of "Ms. Ellis"** An 82-year-old woman paid \$22,000 for roof and insulation work that was never completed. Because her claim exceeded the current limit, she faced complicated procedural requirements and expensive expert testimony. The stress of navigating the system caused her to give up, even though she had a strong legal case.

LD 879 would make it possible for Mainers like these to pursue justice on an equal footing. They deserve the same access to the legal system as anyone else. A \$6,000 cap no longer reflects the reality of modern home construction costs, especially for essential safety modifications that older homeowners depend on.

We understand that the Committee may have concerns about the complexity of home contractor disputes. But this bill does not open the floodgates to every construction case — it targets a specific, well-defined category of claims already governed by consumer protection standards. And it does so without fiscal impact to the state.

Legal Services for Maine Elders respectfully urges favorable consideration for LD 879. It is a modest but meaningful reform that would expand access to justice, reduce the burdens of litigation, and protect some of our most vulnerable homeowners from exploitation.

Thank you for your consideration.