

CHAPTER 738

SMALL CLAIMS

§7461. Purpose

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7462. Definitions

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7463. Representation

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7464. Bringing a claim

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7465. Filing without fee.

(REPEALED)

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PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

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(REPEALED)

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PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

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(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7468. Removal and transfer

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7469. Mediation

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7470. Evidence

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7471. Judgment

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7472. Satisfaction and disclosure

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7473. Disclosure notice

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7474. Appeal

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§7475. Effect of judgment

(REPEALED)

SECTION HISTORY

PL 1979, c. 700, §4 (NEW). PL 1981, c. 667, §1 (RP).

§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. [PL 1981, c. 667, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 667, §2 (NEW).

§7482. Definition of a small claim

Notwithstanding the total amount of a debt or contract, a "small claim" means a right of action cognizable by a court if the debt or damage does not exceed \$6,000 exclusive of interest and costs. It does not include an action involving the title to real estate. [PL 2009, c. 428, §1 (AMD).]

Effective July 1, 1997 and every 4 years after that date, the joint standing committee of the Legislature having jurisdiction over judiciary matters shall review the monetary limit on small claims actions and the Judicial Department shall periodically provide information and comments on the monetary limit on small claims actions to that committee. [PL 1993, c. 401, §3 (NEW).]

SECTION HISTORY

PL 1981, c. 667, §2 (NEW). PL 1983, c. 678 (AMD). PL 1993, c. 401, §3 (AMD). PL 1997, c. 23, §1 (AMD). PL 2009, c. 428, §1 (AMD).

§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. [PL 1981, c. 667, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 667, §2 (NEW).

§7484. Procedures

(REPEALED)

SECTION HISTORY

PL 1981, c. 667, §2 (NEW). PL 1985, c. 750, §2 (AMD). PL 1989, c. 88, §1 (AMD). PL 1989, c. 378, §§1,2 (AMD). PL 1989, c. 702, §E7 (AMD). PL 1991, c. 9, §E11 (RP).

§7484-A. Procedures

1. Rules by Supreme Judicial Court. 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 postjudgment proceedings must be set forth in rules of procedure adopted by the Supreme Judicial Court. Rules adopted under this section may not restrict the number of claims that may be filed in any given period.

[PL 1991, c. 604, §1 (AMD).]

2. Services of statement of claim and notice of disclosure.

[PL 1991, c. 604, §2 (RP).]

3. Validation of debt in certain circumstances. If the plaintiff has purchased the debt being collected in the proceeding under this chapter, the plaintiff shall include with the filing of the complaint a statement listing the name and address of the original creditor.

[PL 2009, c. 428, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 9, §E12 (NEW). PL 1991, c. 604, §§1,2 (AMD). PL 2009, c. 428, §2 (AMD).

§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 is res judicata as to the amount in controversy. If a plaintiff has reduced the amount of a claim or contract to meet the jurisdictional limits of this chapter, the judgment obtained is res judicata as to the full amount of the debt or contract in controversy. The only recourse from an adverse decision is by appeal. [PL 2009, c. 428, §3 (AMD).]

SECTION HISTORY

PL 1981, c. 667, §2 (NEW). PL 2009, c. 428, §3 (AMD).

§7486. Enforcement of money judgments in small claims actions; minimum monthly installment (REPEALED)

SECTION HISTORY

PL 1989, c. 88, §2 (NEW). PL 1999, c. 587, §10 (RP).

§7487. Interest

A person who is awarded a money judgment in a small claims action is entitled to post-judgment interest in accordance with section 1602-C. [PL 2003, c. 460, §7 (AMD).]

SECTION HISTORY

PL 1999, c. 109, §1 (NEW). PL 2003, c. 460, §7 (AMD).

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