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Public Law
124th Legislature
First Regular Session

Chapter 428
H.P. 331 - L.D. 443

An Act To Increase the Jurisdictional Limit for Small Claims

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

Sec. 1. 14 MRSA §7482, first ¶, as amended by PL 1997, c. 23, §1, is further amended to read:

~~A~~ 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 \$4,500 \$6,000 exclusive of interest and costs. It does not include an action involving the title to real estate.

Sec. 2. 14 MRSA §7484-A, sub-§3 is enacted to read:

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.

Sec. 3. 14 MRSA §7485, as enacted by PL 1981, c. 667, §2, is amended to read:

§ 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~~ 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 ~~shall be~~ is by appeal.

Sec. 4. Legislative intent concerning filing fees for small claims actions. It is the Legislature's intent that the increase in the jurisdictional limit for small claims actions increase access to justice but not result in a decrease in General Fund revenue. The Legislature recommends that the Supreme Judicial Court review filing fees for small claims and revise the filing fees appropriately.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funds for one Assistant Clerk position and related costs to handle the projected increase in small claims cases.

GENERAL FUND	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$42,010	\$55,282
All Other	\$5,000	\$2,500
GENERAL FUND TOTAL	<hr/> \$47,010	<hr/> \$57,782

Effective September 12, 2009