

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘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 | \$47,010 | \$57,782 |

SUMMARY

This amendment reduces the increase in the jurisdictional limit for small claims actions to \$6,000, which is comparable with the rate of inflation since 1997. The bill proposed increasing the limit to \$10,000.

This amendment incorporates the concept included in Legislative Document 375, which is to allow a person to use small claims court to collect a claim on a debt or contract as long as the amount claimed is within the jurisdictional limits for small claims, even if the actual debt or contract has a higher value. The judgment on the amount claimed, however, is a final judgment with regard to the total debt or contract.

This amendment does not prohibit a person who purchases debt from using small claims court to collect the debts, but it does require the plaintiff in such cases to file a statement with the complaint that lists the name and address of the original creditor. This protects the interests of the defendant in a small claims case when the plaintiff is not the original creditor. The requirement is intended to be consistent with the statement required, upon a consumer's written request, under the federal Fair Debt Collection Practices Act.

This amendment provides that the Legislature's intent is to increase access to justice and not to reduce revenue from filing fees. This amendment includes a recommendation to the Supreme Judicial Court that it review filing fees and revise them appropriately.

This amendment adds an appropriations and allocations section to the bill.

FISCAL NOTE REQUIRED

(See attached)