

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 1225

S. P. 400

In Senate, February 17, 1965

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Shiro of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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AN ACT Relating to Bonds in Attachment on Trustee Process.

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

**Sec. 1. R. S., T. 14, § 4613, amended.** The first sentence of section 4613 of Title 14 of the Revised Statutes is amended to read as follows:

'When real estate or personal property is attached on mesne process, ~~and in all cases of attachment on trustee process~~ the attachment shall be vacated upon the defendant or someone in his behalf delivering to the officer who made such attachment, or to the plaintiff or his attorney, a bond to the plaintiff in a penal sum not exceeding the amount of the attachment, such bond to be approved as to penal sum and sureties by the plaintiff or his attorney, or by any Justice or clerk of the Superior Court, conditioned that within 30 days after the rendition of the judgment, or after the adjournment of the court in which it is rendered or after the certificate of decision of the law court shall be received in the county where the cause is pending, he will pay to the plaintiff or his attorney of record the amount of said judgment including costs.'

**Sec. 2. R. S., T. 14, § 4613, amended.** The last sentence of section 4613 of Title 14 of the Revised Statutes is repealed.

**Sec. 3. R. S., T. 14, § 4614, additional.** Title 14 of the Revised Statutes is amended by adding a new section 4614 to read as follows:

**§ 4614. Trustee process**

**In all cases of attachment of wages, salaries, commissions and earnings on trustee process, the attachment shall be vacated upon the defendant or someone in his behalf delivering to the officer who made the attachment, or to the alleged**

trustee, or to the plaintiff or his attorney, a bond to the plaintiff in a penal sum not exceeding the amount of the attachment, such bond to be approved as to penal sum and sureties by the plaintiff or his attorney, or by any clerk or Judge of the District Court, or by 2 justices of the peace, or by any Justice or clerk of the Superior Court, conditioned that within 30 days after the rendition of the judgment, or after the adjournment of the court in which it is rendered or after the certificate of decision of the law court shall be received in the county where the cause is pending, he will pay to the plaintiff or his attorney of record the amount of said judgment including costs. The bond, if given to the alleged trustee, shall be returned by such trustee to the plaintiff or his attorney. The bond shall be returned by the officer with the process, for the benefit of the plaintiff, and thereupon all liability of the officer to the plaintiff by reason of such attachment shall cease. Upon request, the plaintiff or his attorney shall give to the defendant a certificate acknowledging the discharge of such attachment, which may be recorded in the registry of deeds or town clerk's office, as the case may be, in which the return of the attachment is filed. Upon receipt of such bond, in trustee process, the alleged trustee shall not be liable to the plaintiff for the goods, effects and credits in his hands or possession and he shall, thereupon, be discharged from further liability in said trustee action and need not disclose and shall not recover costs.'