

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 504

H. P. 458

House of Representatives, January 29, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Ease the Enforcement of Judgements.

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

14 MRSA § 4651, as amended by PL 1965, c.c. 182, 455, is further amended by adding at the end a new sentence to read:

The filing with a registry of deeds of an execution, or an attested copy thereof, issued by any court of competent jurisdiction shall create a lien in favor of each judgment creditor upon the right, title and interest of each judgment debtor in real estate lying within the county in which the registry of deeds is located.

STATEMENT OF FACT

This bill is intended to make it easier for persons who have won their cases in court to obtain satisfaction of their judgment. This bill would allow the imposition of a lien merely by the filing of an execution with the Registry of Deeds. Since current law already provides a homestead exemption of \$6,500 to protect individual homeowners, there is no compelling justification for the current requirement that judgment holders undertake disclosure proceedings and the personal service of a disclosure subpoena or motion to impose lien before obtaining a lien on real estate owned by the judgment debtor. The present procedure is especially burdensome for the unwary, such as small claims plaintiffs, many of whom consider enforcement of their claim to be the most frustrating aspect of their judicial experience.