

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-401)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1039, L.D. 1258, Bill,
"AN ACT to Revise the Debtor-Creditor Laws to Facilitate
the Legal Collection of Debts."

Amend the Bill in section 1 in that part designated
"§3122." under "SUBPOENAS" by striking out all of the 25th,
26th and 27th lines (23rd, 24th and 25th lines in the L.D.)
which read as follows "and all books, papers or records in
your possession or control which may contain information
concerning the property or income of, or indebtedness due
judgment debtor,"

Further amend the Bill by striking out all of sections
3, 4 and 5.

Further
amend the Bill in section 6 by striking out the last
sentence before the statement of fact and inserting in its
place the following:

'The State, its municipalities, agencies and
subdivisions shall not be exempt from orders under this
section.'

Further amend the Bill by renumbering the sections to
read consecutively.

Statement of Fact

This amendment deletes from the bill certain language
in the subpoena form which specified items to be produced
at a disclosure hearing by a judgment debtor. The amendment
also deletes the section of the bill which would have the
judgment creditor's failure to appear at a disclosure hearing

to be excused for good cause shown and the hearing continued. The amendment deletes the section of the bill which removed the court's ability to fix the value of property owned by the debtor which could be used to satisfy the debt. The amendment removes the section of the bill which allowed the court to order a lien on a debtor's property despite his failure to appear at a hearing. Finally, the amendment provides that the earnings of government employees shall not be exempt from an order requiring the employer to make payments of the debtor's earnings directly to the creditor.

Reported by the Committee on Judiciary.
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5/14/81

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