

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 262

6
7 S.P. 110

In Senate, January 25, 1983

8 Received by the Secretary of the Senate on January 25, 1983. Referred to
9 the Committee on Business Legislation, and ordered printed pursuant to Joint
10 Rule 14.

11 JOY J. O'BRIEN, Secretary of the Senate

12 Presented by Senator Hichens of York.
13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE

18 AN ACT to Conform Maine
19 Garnishment Laws to the United
20 States Code, Title 15, Section,
21 1673, the Federal Consumer Credit
22 Protection Act.

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

25 Sec. 1. 14 MRSA §3127, as enacted by PL 1971,
26 c. 408, §1, is repealed and the following enacted in
27 its place:

28 §3127. Installment payments.

29 1. Court order. Upon a disclosure hearing
30 where it is shown that the judgment debtor is receiv-
31 ing or will receive money or earnings from a source
32 other than a source which is otherwise exempt from

1 trustee process, attachment and execution, the court
2 may order that the judgment debtor make specified
3 installment payments to the judgment creditor; pro-
4 vided that, in the case of a judgment debtor who is a
5 natural person, the maximum amount of earnings for
6 any workweek which is subjected to such an install-
7 ment order may not exceed, except as provided in sub-
8 section 2:

9 A. Twenty-five percent of the judgment debtor's
10 disposable earnings for that week; or

11 B. The amount by which his disposable earnings
12 for that week exceed 30 times the federal minimum
13 hourly wage prescribed by the United States Code,
14 Title 29, Section 206 (a) (1), whichever is less.

15 In the case of earnings for any pay period other than
16 a week, the multiple of the federal minimum hourly
17 wage equivalent in effect to that set forth in para-
18 graph B, as prescribed by regulations of the Secre-
19 tary of Labor of the United States, shall limit the
20 amount of the installment order.

21 2. Exceptions. The restrictions of subsection
22 1 do not apply in the case of:

23 A. Any order for the support of any person
24 issued by a court of competent jurisdiction or in
25 accordance with an administrative procedure,
26 which is established by state law, which affords
27 substantial due process and which is subject to
28 judicial review;

29 B. Any order of any court of the United States
30 having jurisdiction over cases under the United
31 States Code, Title 11, chapter 13; or

32 C. Any debt due for any state or federal tax.

1 3. Maximum earnings subject to garnish-
2 ment. The maximum part of the aggregate disposable
3 earnings of an individual for any workweek which is
4 subject to garnishment to enforce any order for the
5 support of any person shall not exceed:

6 A. When the individual is supporting his spouse
7 or dependent child, other than a spouse or child
8 with respect to whose support such order is used,
9 50% of that individual's disposable earnings for
10 that week; and

11 B. When the individual is not supporting such a
12 spouse or dependent child described in paragraph
13 A, 60% of that individual's disposable earnings
14 for that week.

15 With respect to the disposable earnings of any
16 individual for any workweek, the 50% specified in
17 paragraph A shall be deemed to be 55% and the 60%
18 specified in paragraph B shall be deemed to be 65% if
19 and to the extent that such earnings are subject to
20 garnishment to enforce a support order with respect
21 to a period which is prior to the 12-week period
22 which ends with the beginning of that workweek.

23 Sec. 2. 19 MRSA §502, sub-§2, as enacted by PL
24 1975, c. 532, §3, is repealed and the following
25 enacted in its place:

26 2. Weekly earnings. The maximum part of the
27 aggregate disposable earnings of a responsible parent
28 for any workweek which is subject to garnishment,
29 pursuant to section 504, to enforce any decision
30 entered pursuant to section 498, section 500 or
31 section 515, shall not exceed:

32 A. When the individual is supporting his spouse
33 or dependent child, other than a spouse or child
34 with respect to whose support such order is used,
35 50% of that individual's disposable earnings for
36 that week; and

1 B. When the individual is not supporting such a
2 spouse or dependent child described in paragraph
3 A, 60% of that individual's disposable earnings
4 for that week.

5 With respect to the disposable earnings of any indi-
6 vidual for any workweek, the 50% specified in para-
7 graph A shall be deemed to be 55% and the 60% speci-
8 fied in paragraph B shall be deemed to be 65% if and
9 to the extent that such earnings are subject to gar-
10 nishment to enforce a support order with respect to a
11 period which is prior to the 12-week period which
12 ends with the beginning of that workweek.

13 STATEMENT OF FACT

14 At the present time Maine laws relating to gar-
15 nishment do not comply with the Consumer Credit Pro-
16 tection Act under the United States Code. The intent
17 of this bill is to place Maine law in conformance
18 with the United States Code.

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