

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 267, L.D. 379, Bill, "An Act to Amend the Small Claims Laws"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 14 MRSA §7484, sub-§1, as enacted by PL 1981, c. 667, §2, is repealed and the following enacted in its place:

1. Notice to defendant; notice to judgment debtor. The clerk shall cause all notices given to the defendant in a small claims action, including, but not limited to, notice of the claim, date, time and place of the hearing and notice of any disclosure hearing, to be sent by postpaid registered or certified mail, addressed to the last known post office address of the defendant. Notwithstanding any rule of procedure to the contrary, if service of the notice of disclosure hearing cannot be completed by mail, the clerk shall notify the judgment creditor unless the judgment creditor has given written authorization for service by the sheriff. Upon notice of lack of service on the judgment debtor, the judgment creditor may arrange to have service made on the judgment debtor personally, which shall be at the expense of the judgment debtor provided that, if the judgment debtor is found to be indigent at a disclosure hearing conducted under subsection 5, the judgment creditor shall pay the cost of service.'

Further amend the bill in section 2, in that part designated "~~§7486.~~", in the 6th line (page 1, line 31 in L.D.) by striking out the following: "payment in monthly installments" and inserting in its place the following: 'monthly installment payment'

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STATEMENT OF FACT

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This amendment clarifies that a judgment debtor will be responsible for paying the costs of personal service of notice of the disclosure hearing if the first notice by mail is not successful.

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Section 2 is amended to correct the wording concerning minimum installment payments.

Reported by the Committee on Judiciary
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House
4/14/89

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