

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 379

H.P. 267

House of Representatives, February 23, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative HANLEY of Paris.

Cosponsored by Representative PARADIS of Augusta, Representative RICHARDS of Hampden and Representative HASTINGS of Fryeburg.

STATE OF MAINE

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

An Act to Amend the Small Claims Laws.



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

3 Sec. 1. 14 MRSA §7484, sub-§1, as enacted by PL 1981, c. 667,
5 §2, is amended to read:

7 1. Notice to defendant. The clerk shall cause all notices
9 given to the defendant in a small claims action, including, but
11 not limited to, notice of the claim, date, time and place of the
13 hearing and notice of any disclosure hearing, to be sent by
15 postpaid registered or certified mail, addressed to the last
17 known post office address of the defendant. Notwithstanding any
19 rule of procedure to the contrary, if service of the statement of
21 claims and notice cannot be completed by mail, the clerk shall
23 notify the plaintiff unless the plaintiff has given written
25 authorization for service by the sheriff. Upon the written
27 request of the plaintiff made within 15 days after that
notification, the clerk shall arrange to have service made on the
defendant personally, which shall be at the expense of the
defendant, provided that, if the defendant is found to be
indigent at a disclosure hearing conducted pursuant to subsection
5, the cost of service shall be paid by the plaintiff;

23 Sec. 2. 14 MRSA §7486 is enacted to read:

25 §7486. Enforcement of money judgments in small claims actions;
27 minimum monthly installment

29 Notwithstanding section 3127, if at a disclosure hearing
31 conducted pursuant to section 7484 it is determined that the
33 defendant is not indigent, the presiding judge in a small claims
35 action may assess a minimum \$15 payment in monthly installments
37 for the enforcement of a money judgment.

35 STATEMENT OF FACT

37 This bill amends the small claims laws by requiring that
39 service of process of a statement of claim and notice of hearing
41 on the defendant personally is to be at the expense of the
43 defendant, unless the defendant is found to be indigent at the
disclosure hearing. The bill also provides that the presiding
judge in a small claims action may assess a minimum \$15 monthly
installment payment in an action to enforce a money judgment if
the defendant is found not to be indigent.