

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1007, L.D. 1405, Bill, "An Act to Amend the Laws Relating to Small Claims"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 14 MRSA §7484, sub-§4, as enacted by PL 1981, c. 667, §2, is amended to read:

4. Removal. There shall be no removal of a small claims action to Superior Court; and

Sec. 2. 14 MRSA §7484, sub-§4-A is enacted to read:

4-A. Judgment; entry; notice. Upon completion of the hearing, the court shall promptly enter judgment for the prevailing party for the relief to which that party is entitled. The clerk shall provide to the parties a copy of the notice of judgment which shall require satisfaction of the judgment within 30 days. Upon the request of either party, the clerk shall schedule a disclosure hearing on a date certain, to be held if the judgment is not satisfied, and shall notify the judgment debtor that failure to appear at the scheduled disclosure hearing may result in the issue of summary process if requested by the judgment creditor; and

FISCAL NOTE

There may be a minimal potential loss of revenue to the General Fund should disclosure hearings be scheduled at the time the notice of judgment is provided. There is currently a \$10 filing fee to schedule a disclosure hearing.'

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STATEMENT OF FACT

This amendment replaces the bill, but retains the changes proposed in Sections 3 and 4 of the bill.

This amendment requires the court in a small claims action to promptly enter judgment for the prevailing party. The clerk must provide each party with a copy of the notice of judgment. The notice requires that the judgment must be satisfied within 30 days. If either party requests that a disclosure hearing be scheduled at the time the notice of judgment is distributed, the clerk shall schedule the disclosure hearing. The disclosure hearing will be held if the judgment is not satisfied by that date. The bill required the clerk to set a disclosure hearing, when in fact, a disclosure hearing is not necessary in all cases. If a disclosure hearing is scheduled at the time the judgment is entered, the clerk shall notify the judgment debtor that failure to appear at the disclosure hearing may result in summary process, consisting of either a civil order of arrest or a finding of contempt. These alternatives are available to the judgment creditor under the current law when a judgment debtor fails to appear at a disclosure hearing.

Reported by the Committee on Judiciary
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6/6/89

(Filing No. H-396)