

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 792, L.D. 2043, Bill, "An Act to Prevent Burdensome Debt Collection Practices in Small Claims Court"

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

'An Act to Prevent Burdensome Collection Practices when Collecting Consumer Debts'

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

'14 MRSA §3121-A, sub-§1, ¶D, as enacted by PL 1987, c. 184, §4, is amended to read:

D. Any proceeding under this chapter may be commenced in the division where the judgment creditor, if an individual, resides or, if not an individual, has a place of business, except that a consumer debt proceeding must be commenced, at the option of the creditor, in the division where the consumer transaction occurred or where the judgment debtor resides. Consumer debts are limited to debts arising from purchases that are primarily for personal, family or household purposes.

STATEMENT OF FACT

The current money judgment enforcement law allows a creditor to schedule the consumer debtor's disclosure of assets hearing at a court hundreds of miles away from where the consumer purchase took place. Such debt collection tactics impose unfair pressure on the consumer debtor.

This amendment requires a creditor to schedule this asset disclosure hearing, at the creditor's option, either where the consumer made the purchase or where the debtor lives. Disclosure

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COMMITTEE AMENDMENT "A" to S.P. 792, L.D. 2043

2 court hearings are intended to ensure that debtors are not
unfairly pressured into agreeing to payment schedules that exceed
4 their capacity to pay. This amendment removes a source of such
unfair pressure.

6 Even if the debtor moves away the creditor will still be
able to schedule the disclosure hearing in a District Court where
8 the consumer purchase took place.

Reported by Senator Hobbins for the Committee on Judiciary.
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(2/6/90) (Filing No. S-492)