

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 382

H.P. 262

House of Representatives, February 6, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Bangor.

Cosponsored by Senator HOLLOWAY of Lincoln, Representative RICHARDS of Hampden and Representative CATHCART of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Allow a Limit on Fees for Service of Disclosure Subpoenas.



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

14 MRSA §7484, sub-§1, as repealed and replaced by PL 1989, c. 88, §1, is amended to read:

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. The judgment creditor may specify a limit on the expense that may be incurred in service on the judgment debtor. If the expense of service would exceed the amount specified, service may not be made;

STATEMENT OF FACT

This bill allows a judgment creditor in a small claims action to limit the expense that may be incurred in service on a judgment debtor.