

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2261

H.P. 1599

House of Representatives, January 30, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 WHITCOMB of Waldo.
Cosponsored by Representative LIBBY of Kennebunk.

STATE OF MAINE

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

**An Act to Consider All Sources of Income When Issuing Small Claims
Judgments.**



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

2 **Sec. 1. 14 MRSA §7486**, as enacted by PL 1989, c. 88, §2, is
4 amended to read:

6 **§7486. Enforcement of money judgments in small claims
8 actions; minimum monthly installment**

10 ~~Notwithstanding section 3127, if~~ If at a disclosure hearing
12 conducted pursuant to section 7484 ~~7484-A~~ it is determined that
14 the defendant is not indigent, the presiding judge in a small
16 claims action may assess a minimum \$15 monthly installment
18 payment for the enforcement of a money judgment. When
20 determining the monthly payment, the presiding judge shall
22 consider all sources of income of the defendant.

24 Except to the extent required by federal law, benefits
26 exempted from attachment by section 4422, subsection 13 and the
28 limitation on installment payments established by section 3127,
30 subsection 1, paragraph B do not apply to actions brought under
this chapter.

STATEMENT OF FACT

26 This bill requires a judge to consider all sources of income
28 of a defendant in determining a payment schedule when issuing
30 small claims judgment. This bill allows judges to set
installment payments which take into account income received from
public benefit programs and income which does not exceed the
amount of the minimum wage for a 40-hour week.