

# MAINE STATE LEGISLATURE

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L.D. 299

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DATE: March 28, 1995 (Filing No. S-35 )

**BANKING AND INSURANCE**

Reported by: The Majority of the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 124, L.D. 299, Bill, "An Act to Repeal the Prohibition on Prejudgment Attachments in Consumer Credit Cases"

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. 9-A MRSA §5-104, as enacted by PL 1973, c. 762, §1, is amended to read:

**§5-104. No garnishment before judgment**

Prior to entry of judgment in an action against the consumer for debt arising from a consumer credit transaction, the creditor may not obtain an interest in any property of the debtor by attachment, garnishment or like proceedings.

Sec. 2. 9-A MRSA §5-104-A is enacted to read:

**§5-104-A. Limitation on prejudgment attachment**

In any action in which a creditor requests attachment or trustee process for a debt arising from a consumer credit transaction, a court may not enter an ex parte order for attachment or trustee process.'

Further amend the bill by inserting at the end before the statement of fact the following:

**COMMITTEE AMENDMENT**

**FISCAL NOTE**

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4 The Bureau of Consumer Credit Protection will incur some  
6 minor additional costs to respond to additional consumer  
8 communications regarding the use of prejudgment attachments.  
These costs can be absorbed within the bureau's existing budgeted  
resources.'

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**STATEMENT OF FACT**

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14 This amendment repeals the prohibition against prejudgment  
16 attachment and trustee process in litigation against consumers  
for debts arising from consumer credit transactions. The  
amendment does not permit such actions ex parte.

This amendment also adds a fiscal note to the bill.