

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 231

S.P. 69

In Senate, January 16, 2007

### An Act To Modify the Laws Regarding Garnishment of Wages

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Submitted by the Department of Labor pursuant to Joint Rule 204.  
Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SULLIVAN of York.  
Cosponsored by Representative PINEAU of Jay and  
Representatives: FINCH of Fairfield, FITTS of Pittsfield, HANLEY of Gardiner, MOORE of  
Standish, PATRICK of Rumford.

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

2 **Sec. 1. 9-A MRSA §5-105, sub-§2**, as amended by PL 1995, c. 614, Pt. A, §5, is  
3 repealed and the following enacted in its place:

4 2. The maximum part of the aggregate disposable earnings of an individual for any  
5 workweek that is subjected to garnishment to enforce payment of a judgment arising from  
6 a consumer credit transaction may not exceed the lesser of:

7 A. Twenty-five percent of the individual's disposable earnings for that week; and

8 B. The amount by which the individual's disposable earnings for that week exceed  
9 40 times the federal minimum hourly wage prescribed by Section 6(a)(I) of the Fair  
10 Labor Standards Act of 1938, 29 United States Code, Section 206(a)(I), or the state  
11 minimum wage prescribed by Title 26, section 664, whichever is higher, in effect at  
12 the time the earnings are payable.

13 In the case of earnings for a pay period other than a week, the administrator shall  
14 prescribe by rule a multiple of the minimum hourly wage equivalent in effect to that  
15 set forth in this paragraph.

16 **SUMMARY**

17 This bill revises the Maine Consumer Credit Code so that a garnishment judgment for  
18 a consumer credit debt must allow a worker to retain at least the equivalent of the federal  
19 or state minimum wage, whichever is higher.