

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 171

H. P. 116

House of Representatives, January 27, 1959.

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Kellam of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Restricting Certain Trustee Process Until After Judgment.

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

R. S., c. 114, § 55, sub-§ VI, repealed and replaced. Subsection VI of section 55 of chapter 114 of the Revised Statutes is repealed and the following enacted in place thereof:

‘VI. In any legal action by reason of any amount due from him to the principal defendant as wages for his personal labor or that of his wife or minor children, except in an action based on a judgment as hereinafter provided.

When an action on a judgment is brought against the principal defendant, no person shall be adjudged trustee by reason of any amount due from him to the principal defendant as wages for his personal labor or that of his wife or minor children, for a time not exceeding one month next preceding the service of the process and not exceeding \$30 of the amount due and payable to him as wages for his personal labor, and \$10 shall be exempt in all cases. Moreover, wages of minor children and of women are not, in any case, subject to trustee process on account of any debt of parent or husband. If, after wages for personal labor or services have been attached and before entry of the writ, the defendant tenders to the plaintiff or to his attorney the whole amount due and recoverable in the action and the fees of the officer for serving the writ, the plaintiff shall recover no costs except the fees of the officer. If the defendant is defaulted without an appearance or if he files an offer of judgment on the return day of the writ and the plaintiff accepts such offer or fails to secure more than the amount thereof and of the interest thereon from its date, the plaintiff shall recover no costs except the entry fee and the officers' fees. The

trustee shall pay to the defendant the amount exempt from attachment at the same time and in the same manner as if no process had been served.

The summons served on the alleged trustee shall clearly indicate it is an action on a judgment; otherwise the attachment shall be null and void;'