

# **MAINE STATE LEGISLATURE**

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
FIRST REGULAR SESSION  
and  
FIRST SPECIAL SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
1983

the State Police of their desire to conduct the inspections and receive written approval before performing those inspections.

The fee charged by these inspection stations shall not exceed their hourly labor charge. Only truck qualified mechanics may perform trailer or semitrailer inspections.

All laws and rules applying to motor vehicle inspections, pertaining to the license holder, inspection mechanic and the State Police, shall apply to the inspection process for trailers and semitrailers.

Revenues derived by this section shall be used for the administration and enforcement of inspection of trailers and semitrailers. Any balances at the end of the fiscal year shall not lapse but shall be carried forward to be used for the same purposes. The joint standing committee of the Legislature have jurisdiction over transportation shall review the status of this program and report its findings to the First Regular Session of the 112th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 7, 1983.

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## CHAPTER 125

H.P. 267 - L.D. 327

AN ACT to Revise the Laws Pertaining to Prejudgment Attachment, Execution of Judgments, Disclosure of Assets and Exemptions.

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

Sec. 1. 14 MRSA §3131, as repealed and replaced by PL 1973, c. 477, §6, is amended by adding a new paragraph at the end to read:

When the judgment creditor has obtained a lien pursuant to section 3132 on the judgment debtor's interest in any motor vehicle for which a certificate of title must be obtained, the court, upon request of the judgment creditor, shall order the judgment

debtor to turn over to the judgment creditor such a certificate of title which is in the possession, custody or control of the judgment debtor.

Sec. 2. 14 MRSA §3132, as enacted by PL 1971, c. 408, §1, is amended to read:

§3132. Lien on real estate and personal property

Upon the request of the judgment creditor, the court shall order a lien on so much of the judgment debtor's property which is not exempt from attachment and execution as will satisfy the judgment and costs. Such a lien shall be ineffective against third 3rd persons until the judgment creditor files the lien order, if the property is real estate, with the register of deeds of the county where the real estate lies; and, if the property is personal property, with the filing officer where a filing would be required to perfect a security interest in such that property under Title 11, section 9-401; and, if the property is a motor vehicle for which a certificate of title must be obtained, until the judgment creditor perfects the lien pursuant to Title 29, chapter 21, subchapter III. Such a lien shall continue until the judgment and costs are satisfied. If the judgment debtor transfers, conceals or otherwise disposes of the property subject to a lien order, he may be held in contempt of court in proceedings under section 3136.

Sec. 3. 14 MRSA §4154, as amended by PL 1981, c. 279, §5, is repealed and the following enacted in its place:

§4154. Optional method of attachment

Any interest in real or personal property, which is not exempt from attachment and execution, may be attached by the plaintiff by the filing in the registry of deeds for the county in which the property is located or the proper place pursuant to Title 11, section 9-401, subsection 1, of an attested copy of the court order approving the real or personal property attachment, provided that the order shall be filed within 30 days after the order approving the attachment, or within such additional time as the court may allow upon a timely motion. Fees for the recording of the order shall be as otherwise provided for similar documents. The filing shall constitute perfection of the attachment and service of a copy of the court's order shall be made upon the defendant in accordance with the Maine Rules of Civil Procedure pertaining to service of writs of attachment.

Sec. 4. 14 MRSA §4421, sub-§1-A is enacted to read:

1-A. Debtor. "Debtor" means an individual debtor.

Sec. 5. 14 MRSA §4651, as amended by PL 1981, c. 160, is further amended to read:

§4651. Issue and return

Executions may be issued on a judgment of the Superior Court or the District Court after 24 hours from the time the judgment has become final by the expiration of the time for appeal, by dismissal of an appeal or on certificate of decision from the Law Court, unless the court has pursuant to rule ordered execution at an earlier time, and shall be returnable within one year after issuance.

The filing with a registry of deeds or the proper place for perfecting a security interest in personal property pursuant to Title 11, section 9-401, subsection 1, of an execution, or an attested copy thereof, issued by any court of competent jurisdiction shall create a lien in favor of each judgment creditor upon the right, title and interest of each judgment debtor in so much of the judgment debtor's real estate which is not exempt from attachment and execution as will satisfy the judgment, together with interest and costs and which is lying within the county in which the registry of deeds is located and personal property which are not exempt from attachment and execution as will satisfy the judgment together with interest and costs. A lien created by this paragraph is void unless the judgment creditor notifies the judgment debtor, by certified mail to his last known address, of the existence of the lien. The notice shall contain the following:

1. Filing of lien. The fact that a lien has been filed;

2. Date and place of filing. The date and place the lien was filed;

3. Amount of debt or damage. The amount of the debt or damage contained in the execution;

4. Name of judgment creditor. The name of the judgment creditor and, if desired, his attorney, including their addresses; and

5. Statement. The following statement: "To dissolve this lien, please contact (the creditor or his attorney)."

If a lien created by this section is filed during the pendency of any prejudgment attachment obtained in the underlying civil action, the effective date of the lien shall relate back to the date of perfection of the attachment. The lien created by this section shall continue so long as the judgment in the underlying civil action shall remain unpaid and unsatisfied, unless sooner released or otherwise discharged.

Sec. 6. 14 MRSA §4751 is amended to read;

§4751. Goods sold on execution

All chattels, real and personal liable at common law to attachment and not exempted therefrom by statute, may be taken and sold on execution as prescribed in this subchapter and subchapter IV. Credits of a corporation other than designated payroll accounts may be taken on execution by an officer and turned over to the judgment creditor to be applied to the judgment, together with interest and costs.

Effective September 23, 1983.

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## CHAPTER 126

S.P. 147 - L.D. 438

AN ACT Substituting the Board of Overseers of the Bar as the Keeper of the Records of Members of the Bar in Place of Administrative Assistant to the Chief Justice.

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

4 MRSA §807, first ¶, as amended by PL 1979, c. 700, §2, is further amended to read:

Unless duly admitted to the bar of this State, no person shall may practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the State or before any court therein, or demand or receive any remuneration for such those services rendered in this State. Whoever, not being duly admitted to the bar of this State, shall practice law or any branch thereof, or hold himself out to practice law or any branch thereof, within the State or before any court therein, or