

# 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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IN ACCORDANCE WITH MAINE REVISED STATUTES  
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

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## CHAPTER 155

S.P. 110 - L.D. 262

AN ACT to Conform Maine  
Garnishment Laws to the United  
States Code, Title 15, Section  
1673, the Federal Consumer Credit  
Protection Act.

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

Sec. 1. 14 MRSA §3127, as enacted by PL 1971, c. 408, §1, is repealed and the following enacted in its place:

### §3127. Installment payments

1. Court order. Upon a disclosure hearing where it is shown that the judgment debtor is receiving or will receive money or earnings from a source other than a source which is otherwise exempt from trustee process, attachment and execution, the court may order that the judgment debtor make specified installment payments to the judgment creditor; provided that, in the case of a judgment debtor who is a natural person, the maximum amount of earnings for any workweek which is subjected to such an installment order may not exceed, except as provided in subsection 2:

A. Twenty-five percent of the judgment debtor's disposable earnings for that week; or

B. The amount by which his disposable earnings for that week exceed 30 times the federal minimum hourly wage prescribed by the United States Code, Title 29, Section 206 (a) (1), whichever is less.

In the case of earnings for any pay period other than a week, the multiple of the federal minimum hourly wage equivalent in effect to that set forth in paragraph B, as prescribed by regulations of the Secretary of Labor of the United States, shall limit the amount of the installment order.

2. Exceptions. The restrictions of subsection 1, paragraph A do not apply in the case of:

A. Any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, which affords

substantial due process and which is subject to judicial review;

B. Any order of any court of the United States having jurisdiction over cases under the United States Code, Title 11, chapter 13;

C. Any debt due for any state or federal tax; or

D. Transactions governed by Title 9-A, section 5-105.

3. Maximum earnings subject to garnishment. The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:

A. When the individual is supporting his spouse or dependent child, other than a spouse or child with respect to whose support such order is used, 50% of that individual's disposable earnings for that week; and

B. When the individual is not supporting such a spouse or dependent child described in paragraph A, 60% of that individual's disposable earnings for that week.

With respect to the disposable earnings of any individual for any workweek, the 50% specified in paragraph A shall be deemed to be 55% and the 60% specified in paragraph B shall be deemed to be 65% if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the 12-week period which ends with the beginning of that workweek.

Sec. 2. 19 MRSA §502, sub-§2, as enacted by PL 1975, c. 532, §3, is repealed and the following enacted in its place:

2. Weekly earnings. Weekly earnings of the responsible parent, subject to an order to withhold and deliver, shall not exceed the amount by which the disposable earnings of the responsible parent for that week exceed 30 times the federal minimum hourly wage prescribed by the United States Code, Title 29, Section 206 (a)(1). The maximum part of the aggregate disposable earnings of a responsible parent for any workweek which is subject to garnishment, pursuant to section 504, to enforce any decision entered pursuant to section 498, section 500 or section 515, shall not exceed:

A. When the individual is supporting his spouse

or dependent child, other than a spouse or child with respect to whose support such order is used, 50% of that individual's disposable earnings for that week; and

B. When the individual is not supporting such a spouse or dependent child described in paragraph A, 60% of that individual's disposable earnings for that week.

With respect to the disposable earnings of any individual for any workweek, the 50% specified in paragraph A shall be deemed to be 55% and the 60% specified in paragraph B shall be deemed to be 65% if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the 12-week period which ends with the beginning of that workweek.

Effective September 23, 1983.

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## CHAPTER 156

S.P. 29 - L.D. 84

AN ACT Relating to Business, Travel or  
Recreation on Sunday.

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

17 MRSA §3204, first ¶, as amended by PL 1975, c. 623, §18-G, is amended to read:

No person, firm or corporation shall ~~may~~, on the Lord's Day, except between the hours of noon and 5:00 p.m. on those Sundays falling between Thanksgiving Day and Christmas Day; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day or in 1985, whichever occurs first in time, the 30th of May; July 4th; Labor Day, the first Monday of September; Veterans Day, November 11th; Christmas Day and Thanksgiving Day as proclaimed by the Governor, keep open a place of business to the public except for works of necessity, emergency or charity.

Effective September 23, 1983.

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