

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1053

H.P. 776

House of Representatives, February 28, 2019

**An Act To Reduce the Period of Enforcement for Judgments Based
upon Consumer Obligations**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative COOPER of Yarmouth.
Cosponsored by Senator BELLOWS of Kennebec and
Representative: TALBOT ROSS of Portland.

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

2 **Sec. 1. 14 MRSA §864**, as amended by PL 2017, c. 102, §1, is further amended to
3 read:

4 **§864. Presumption of payment of judgments**

5 Every judgment and decree of any court of record of the United States or of any state
6 ~~or justice of the peace in this State~~ is presumed to be paid and satisfied at the end of 20
7 years after any duty or obligations accrued by virtue of such judgment or decree, except
8 for a child support order and a judgment or decree based upon a consumer obligation.
9 For the purposes of this section, "child support order" means a judgment, decree or order,
10 whether temporary, final or subject to modification, issued by a court or an administrative
11 agency of competent jurisdiction for the support and maintenance of a child, including a
12 child who has attained the age of majority under the law of the issuing state, that provides
13 for monetary support, health care, arrearages or reimbursement and may include related
14 costs and fees, interest and penalties, income withholding, attorney's fees and other relief.
15 For the purposes of this section, "consumer obligation" means a debt or debts incurred for
16 personal, family or household purposes and does not include a debt or debts incurred for
17 business or commercial purposes. A judgment or decree of any court of record of the
18 United States or of any state based upon a consumer obligation is irrebuttably presumed
19 to be paid and satisfied at the end of one year after any duty or obligations accrued by
20 virtue of the judgment or decree unless within that period the judgment creditor has
21 commenced other action as permitted by this Title for the enforcement of the judgment or
22 decree.

23 **Sec. 2. 14 MRSA §4651-A, sub-§9, ¶C** is enacted to read:

24 C. Notwithstanding any other provisions of this section, a lien created pursuant to
25 this section arising out of a judgment on a consumer obligation does not continue for
26 longer than one year after the date of that judgment unless within that one-year period
27 the judgment creditor has commenced other action as allowed by this Title to enforce
28 the lien. For the purposes of this paragraph, "consumer obligation" means a debt or
29 debts incurred for personal, family or household purposes and does not include a debt
30 or debts incurred for business or commercial purposes.

31 **Sec. 3. 14 MRSA §4653**, as amended by PL 2001, c. 275, Pt. A, §3, is further
32 amended to read:

33 **§4653. Renewal in 10 years**

34 An alias or pluries execution may be issued within 10 years after the day of issuance
35 of the preceding execution and not afterwards, except that such an execution may not be
36 issued with respect to any judgment arising out of a consumer obligation, as defined in
37 section 4651-A, subsection 9, paragraph C.

38 **Sec. 4. 14 MRSA §4654** is amended to read:

