

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 953

6  
7 S.P. 317

In Senate, March 1, 1983

8 Referred to the Committee on Judiciary. Sent down for concurrence and  
9 ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Senator Dow of Kennebec.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Decrease Exemptions in Child  
18 Support and Alimony Cases.  
19

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

22 19 MRSA §774, sub-§4, as enacted by PL 1979, c.  
23 668, §6, is repealed and the following enacted in its  
24 place:

25 4. Attachment. Attachment as provided under Title  
26 14, chapter 507, except that the exemptions identi-  
27 fied in this subsection shall be used in lieu of  
28 those in Title 14, chapter 507, subchapter II, Arti-  
29 cle 7.

30 The following property is exempt from attachment and  
31 execution.

1           A. The debtor's aggregate interest, not to exceed  
2           \$5,000 in value, in real or personal property  
3           that the debtor or a dependent of the debtor uses  
4           as a residence, in a cooperative that owns prop-  
5           erty that the debtor or a dependent of the debtor  
6           uses as a residence, or in a burial plot for the  
7           debtor or a dependent of the debtor, provided  
8           that if the debtor's interest is held jointly  
9           with any other person or persons, the exemption  
10           shall not exceed in value the lesser of \$5,000 or  
11           the product of the debtor's fractional share  
12           times \$15,000.

13           B. The debtor's interest, not to exceed \$600 in  
14           value, in one motor vehicle.

15           C. The debtor's interest, not to exceed \$100 in  
16           value in any particular item, in household fur-  
17           nishings, household goods, wearing apparel,  
18           appliances, books, animals, crops or musical  
19           instruments, that are held primarily for the per-  
20           sonal, family or household use of the debtor or a  
21           dependent of the debtor.

22           D. The debtor's wedding ring and engagement ring.

23           E. The debtor's aggregate interest, not to exceed  
24           \$1,000 in value, in any implements, professional  
25           books or tools of the trade of the debtor or the  
26           trade of a dependent of the debtor, including,  
27           but not limited to, power tools, materials and  
28           stock designed and procured by him and necessary  
29           for carrying on his trade or business and  
30           intended to be used or wrought in that trade or  
31           business.

32           F. The debtor's interest in the following items  
33           held primarily for the personal, family or house-  
34           hold use of the debtor or a dependent of the  
35           debtor:

36                   (1) One cooking stove;

37                   (2) All furnaces or stoves used for heating;  
38                   and

1                   (3) All cooking and heating fuel not to  
2                   exceed 10 cords of wood, 5 tons of coal,  
3                   1,000 gallons of petroleum products or its  
4                   equivalent.

5                   G. The debtor's interest in the following items  
6                   held primarily for the personal, family or house-  
7                   hold use of the debtor or a dependent of the  
8                   debtor:

9                   (1) All food provisions, whether raised or  
10                  purchased, reasonably necessary for 6  
11                  months;

12                  (2) All seeds, fertilizers, feed and other  
13                  material reasonably necessary to raise and  
14                  harvest food through one growing season; and

15                  (3) All tools and equipment reasonably  
16                  necessary for raising and harvesting food.

17                  H. The debtor's interest in one of every type of  
18                  farm implement reasonably necessary for the  
19                  debtor to raise and harvest agricultural products  
20                  commercially, including any personal property  
21                  incidental to its maintenance and operation.

22                  I. The debtor's interest in one boat, not exceed-  
23                  ing 5 tons burden, used by the debtor primarily  
24                  for commercial fishing.

25                  J. Professionally prescribed health aids for the  
26                  debtor or a dependent of the debtor.

27                  K. The debtor's right to receive the following:

28                  (1) A social security benefit, unemployment  
29                  compensation or a local public assistance  
30                  benefit;

31                  (2) A veteran's benefit;

32                  (3) A disability, illness or unemployment  
33                  benefit;

34                  (4) Alimony, support or separate mainte-  
35                  nance, to the extent reasonably necessary

1 for the support of the debtor and any  
2 dependent of the debtor; or

3 (5) A payment under a stock bonus, pension,  
4 profit sharing, annuity or similar plan or  
5 contract on account of illness, disability,  
6 death, age or length of service, to the  
7 extent reasonably necessary for the support  
8 of the debtor and any dependent of the  
9 debtor, unless:

10 (a) The plan or contract was estab-  
11 lished by or under the auspices of an  
12 insider that employed the debtor at the  
13 time the debtor's rights under the plan  
14 or contract arose;

15 (b) The payment is on account of age or  
16 length of service; and

17 (c) The plan or contract does not qual-  
18 ify under the United States Internal  
19 Revenue Code of 1954, Sections 401(a),  
20 403(a), 403(b), 408 or 409.

21 L. The debtor's right to receive or property that  
22 is traceable to the following:

23 (1) An award under a crime victim's  
24 reparation law;

25 (2) A payment on account of the wrongful  
26 death of an individual of whom the debtor  
27 was a dependent, to the extent reasonably  
28 necessary for the support of the debtor and  
29 any dependent of the debtor;

30 (3) A payment under a life insurance con-  
31 tract that insured the life of an individual  
32 of whom the debtor was a dependent on the  
33 date of the individual's death, to the  
34 extent reasonably necessary for the support  
35 of the debtor and any dependent of the  
36 debtor;

37 (4) A payment, not to exceed \$7,500, for ac-  
38 tual out-of-pocket losses, on account of  
39 personal bodily injury, of the debtor; or

1  
2  
3  
4  
5  
6

(5) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

7

STATEMENT OF FACT

8  
9  
10

The purpose of this bill is to amend the alimony and child support enforcement law to reduce or eliminate certain exemptions from attachment.

11  
12  
13  
14  
15  
16  
17

Under the present law a nonsupporting parent or spouse has the same exemptions for attachment as any other debtor. This bill recognizes that back support payments should be treated differently than other debts and given priority over those debts. The exemptions from support attachment should be less than exemptions when other debts are involved.

18

1629020583