

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 744

S.P. 263

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In Senate, March 16, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

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JOY J. O'BRIEN, Secretary of the Senate Presented by Senator GAUVREAU of Androscoggin. Cosponsored by Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to Debtor Relief for Violation of Exemptions.

Be it enacted by the People of the State of Maine 4 as follows:

14 MRSA §4422-A is enacted to read:

7 §4422-A. Relief for improper attachment

1. Cause of action. An individual or the spouse or a dependent of the individual is entitled to injunctive relief, damages, punitive damages or any combination of relief and damages against a creditor or any other person to prevent or seek redress for an improper attachment or execution of exempt property under section 4422.

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2. Costs; fees. A court may award costs and rea-1 2 sonable attorneys fees to a party entitled to injunctive relief or damages, or both, for improper attach-ment or execution under section 4422. 3 4 5 3. Failure to take timely action; relief. For cause shown, the court may relieve a person from the 6 7 consequences of failing to take timely action to as-8 sert rights under this section. 9 STATEMENT OF FACT 10 . The purpose of this bill is to create a cause of 11 action for persons whose property has been improperly 12 attached.

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