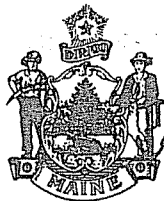


MAINE STATE LEGISLATURE

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 695

H.P. 501

House of Representatives, February 20, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

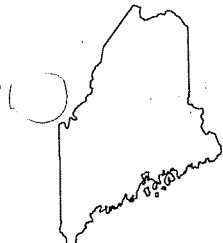
Presented by Representative MITCHELL of Vassalboro.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative COTE of Auburn
and Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Uniform Fraudulent Transfer Act.



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

2
4 14 MRSA §3578, sub-§1, ¶C, as enacted by PL 1985, c. 641, §3,
is amended to read:

6 C. Subject to applicable principles of equity and in
accordance with applicable civil rules of procedure:

8
10 (1) An injunction against further disposition by the
debtor or a transferee, or both, of the asset
transferred or of other property;

12
14 (2) Appointment of a receiver to take charge of the
asset transferred or of other property of the
transferee; or

16
18 (3) Damages in an amount not to exceed double the
amount of the property transferred or concealed; or

20 ~~(3)~~ (4) Any other relief the circumstances may require.

22
24 **STATEMENT OF FACT**

26 This bill restores the remedy of double damages for
fraudulent transfers. In 1985 the Legislature enacted the
28 Uniform Fraudulent Transfer Act and repealed the provision
authorizing damages of up to 2 times the value of the property
involved in the fraud. Without the double damages, the creditor
30 pays more when the creditor is defrauded than when the creditor
is not defrauded.