

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2138

S.P. 834

In Senate, January 9, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CLARK of Cumberland

Cosponsored by Representative FARNSWORTH of Hallowell, Representative HASTINGS
of Fryeburg and Representative MARSANO of Belfast.

STATE OF MAINE

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

**An Act to Update and Revise the Exemptions under the Maine
Bankruptcy Code.**



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

2
4 **Sec. 1. 14 MRSA §4422, sub-§1, ¶¶A and B**, as enacted by PL 1989, c. 286, §1, are amended to read:

6 A. Except as provided in paragraph B, the debtor's
8 aggregate interest, not to exceed ~~\$7,500~~ \$30,000 in value,
10 in real or personal property that the debtor or a dependent
12 of the debtor uses as a residence, in a cooperative that
14 owns property that the debtor or a dependent of the debtor
16 uses as a residence, or in a burial plot for the debtor or a
 dependent of the debtor, provided that if the debtor's
 interest is held jointly with any other person or persons,
 the exemption shall may not exceed in value the lesser of
 ~~\$7,500~~ \$30,000 or the product of the debtor's fractional
 share times ~~\$15,000~~ \$60,000.

18 B. The debtor's aggregate interest, not to exceed ~~\$60,000~~
20 \$75,000 in value, in property described in paragraph A, if
22 the debtor or a dependent of the debtor is either a person
24 60 years of age or older or a person physically or mentally
26 disabled and because of such disability is unable to engage
28 in substantial gainful employment and whose disability has
30 lasted or can be expected to last for at least 12 months or
32 can be expected to result in death; provided that if the
 debtor's interest is held jointly with any other person or
 persons, the exemption shall may not exceed in value the
 lesser of ~~\$60,000~~ \$75,000 or the product of the fractional
 share of the debtor's interest times ~~\$120,000~~ \$150,000.
 This paragraph does not apply to liens obtained prior to its
 effective date or to judgments based on torts involving
 other than ordinary negligence on the part of the debtor.

34 **Sec. 2. 14 MRSA §4422, sub-§§2, 4 and 5**, as enacted by PL 1981,
36 c. 431, §2, are amended to read:

38 **2. Motor vehicle.** The debtor's interest, not to exceed
 ~~\$1,200~~ \$2,500 in value, in one motor vehicle.

40 **4. Jewelry.** The debtor's aggregate interest, not to exceed
42 ~~\$500~~ \$1,000 in value, in jewelry held primarily for the personal,
44 family or household use of the debtor or a dependent of the
 debtor and the debtor's interest in a wedding ring and an
 engagement ring.

46 **5. Tools of the trade.** The debtor's aggregate interest,
48 not to exceed ~~\$1,000~~ \$5,000 in value, in any implements,
50 professional books or tools of the trade of the debtor or the
 trade of a dependent of the debtor, including, but not limited
 to, power tools, materials and stock designed and procured by him
 the debtor and necessary for carrying on his the debtor's trade

2 or business and intended to be used or wrought therein in that
3 trade or business.

4 **Sec. 3. 14 MRSA §4422, sub-§14, ¶D,** as enacted by PL 1981, c.
5 431, §2, is amended to read:

6
7 D. A payment, not to exceed \$7,500 \$12,500, on account of
8 personal bodily injury, not including pain and suffering or
9 compensation for actual pecuniary loss, of the debtor or an
10 individual of whom the debtor is a dependent; or

11
12 **Sec. 4. 14 MRSA §4422, sub-§16,** as enacted by PL 1981, c. 431,
13 §2, is amended to read:

14
15 **16. Unused residence exemption.** The debtor's interest,
16 equal to any unused amount of the exemption provided under
17 subsection 1 ~~but not exceeding \$4,500, in any property exempt~~
18 ~~under subsections 3, 5 and 14, paragraph D.~~

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22 **STATEMENT OF FACT**

23 This bill updates and revises the language describing
24 personal exemptions of the Maine Bankruptcy Code.
25
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