

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 330

S.P. 144

In Senate, January 31, 1995

An Act to Allow Liens on Claims Not Sounding in Tort.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator ABROMSON of Cumberland.
Cosponsored by Senator: MILLS of Somerset.

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

Sec. 1. 14 MRSA §3131, sub-§1, as enacted by PL 1987, c. 184, §14, is amended to read:

1. **Turnover order.** When it is shown at a hearing under this chapter that the judgment debtor owns personal property or real property ~~which~~ that is not wholly exempt from attachment or execution pursuant to sections 4421 to 4426, including but not limited to, choses in action except those arising out of tort, the court shall determine the value of the property or interest and the extent to which the property or interest is exempt. Upon request of the judgment creditor, the court shall order the judgment debtor to turn over to the judgment creditor in partial or full satisfaction of the judgment, interest and costs, such items of property ~~which~~ that are not in whole or in part exempt and the value of which is determined to be less than or equal to the amount owed on the judgment, interest and costs.

STATEMENT OF FACT

This bill resolves an ambiguity created by the Law Court's decision in New England Mortgage Services Company, Inc. v. Petit, 590 A.2d 1054 (1991), by specifying that choses in action except those arising out of tort may be the subject of a turnover order in postjudgment disclosure proceedings.