

MAINE STATE LEGISLATURE

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M
H. O. R.

L.D. 247

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DATE: 3-31-03

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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION**

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18

20 COMMITTEE AMENDMENT "A" to H.P. 202, L.D. 247, Bill, "An
Act To Increase the Value of Real and Personal Property Exempt
from Attachment"

22

24 Amend the bill in section 1 in paragraph A in the 2nd line
(page 1, line 7 in L.D.) by striking out the following:
"\$50,000" and inserting in its place the following: '\$35,000'

26

28 Further amend the bill in section 1 in paragraph A in the
5th line from the end (page 1, line 15 in L.D.) by striking out
the following: "\$100,000" and inserting in its place the
following: '\$70,000'

28

30

32 Further amend the bill in section 1 in paragraph A in the
2nd line from the end (page 1, line 18 in L.D.) by striking out
the following: "\$50,000" and inserting in its place the
following: '\$35,000'

32

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38 Further amend the bill in section 1 in paragraph A in the
last line (page 1, line 19 in L.D.) by striking out the
following: "\$100,000" and inserting in its place the following:
'\$70,000'

38

40

42 Further amend the bill by inserting after section 1 the
following:

42

44

46 'Sec. 2. 14 MRSA §4422, sub-§1, ¶B, as enacted by PL 1989, c.
286, §1, is amended to read:

46

COMMITTEE AMENDMENT

2 B. The debtor's aggregate interest, not to exceed \$60,000
3 \$70,000 in value, in property described in paragraph A, if
4 the debtor or a dependent of the debtor is either a person
5 60 years of age or older or a person physically or mentally
6 disabled and because of such disability is unable to engage
7 in substantial gainful employment and whose disability has
8 lasted or can be expected to last for at least 12 months or
9 can be expected to result in death; provided that if the
10 debtor's interest is held jointly with any other person or
11 persons, the exemption shall may not exceed in value the
12 lesser of ~~\$60,000~~ \$70,000 or the product of the fractional
13 share of the debtor's interest times ~~\$120,000~~ \$140,000.
14 This paragraph does not apply to liens obtained prior to its
15 effective date or to judgments based on torts involving
16 other than ordinary negligence on the part of the debtor.

18 SUMMARY

20 This amendment replaces the homestead exemption increases
21 proposed by the bill by smaller increases.

24 Under this amendment, \$35,000 of a debtor's residence or
25 burial plot is exempt from attachment in a civil proceeding. The
26 value of the residence that is exempt is \$70,000 if the debtor's
27 minor dependents reside there as well. If the property is owned
28 jointly, the value of property exempt is the lesser of \$35,000 or
29 the product of the debtor's fractional share of the interest
30 times \$70,000.

32 This amendment makes similar changes to the homestead
33 exemption for a residence or burial plot of debtors or debtors
34 who have a dependent who is at least 60 years old or physically
35 or mentally disabled. The disability must be such that the
36 person can not engage in substantial gainful employment and the
37 disability has lasted or can be expected to last at least 12
38 months or can be expected to result in death. In these cases,
39 the residence or burial exemption from attachment is increased to
40 \$70,000. If the property is owned jointly, the value of property
41 exempt is the lesser of \$70,000 or the product of the debtor's
42 fractional share of the interest times \$140,000.