

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 665

H.P. 495

House of Representatives, February 17, 2011

An Act To Limit Claims of Exempt Property

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative MOULTON of York.

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

2 **Sec. 1. 14 MRSA §4422, first ¶**, as amended by PL 1985, c. 187, §3, is further
3 amended to read:

4 The following property is exempt from attachment and execution, except to the extent
5 that it has been fraudulently conveyed by the debtor or is underlying a debt specified in
6 11 United States Code, Section 523(a)(1), Section 523(a)(2)(A) and (B), Section
7 523(a)(4) to (9) and Section 523(a)(11) to (19).

8 **Sec. 2. 14 MRSA §4422, sub-§1, ¶B**, as amended by PL 2007, c. 579, §2, is
9 further amended to read:

10 B. The debtor's aggregate interest, not to exceed \$95,000 in value, in property
11 described in paragraph A, if the debtor or a dependent of the debtor is either a person
12 60 years of age or older or a person physically or mentally disabled and because of
13 such disability is unable to engage in substantial gainful employment and whose
14 disability has lasted or can be expected to last for at least 12 months or can be
15 expected to result in death; except that if the debtor's interest is held jointly with any
16 other person or persons, the exemption may not exceed in value the lesser of \$95,000
17 or the product of the fractional share of the debtor's interest times \$190,000. This
18 paragraph does not apply to liens obtained prior to its effective date ~~or to judgments~~
19 ~~based on torts involving other than ordinary negligence on the part of the debtor.~~

20 **SUMMARY**

21 This bill specifies that claims of exempt property may not be used to protect against
22 certain debts that would be excepted from discharge under federal bankruptcy law or
23 judgments based on torts involving other than ordinary negligence on the part of the
24 debtor.