

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 146

H. P. 492

House of Representatives, January 26, 1939.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Bubar of Weston.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Homesteads.

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

Sec. 1. R. S., c. 95, § 68, amended. Section 68 of chapter 95 of the revised statutes is hereby amended to read as follows:

‘**Sec. 68. Homestead.** A lot of land and dwelling-house and out-buildings thereon, the property of a householder in actual possession thereof and not the owner of an exempted lot purchased from the state, is **tax exempt and tax free and is exempt** from attachment and levy on execution as provided in the following sections.’

Sec. 2. R. S., c. 95, § 69, amended. Section 69 of chapter 95 of the revised statutes, as amended by section 1 of chapter 36 of the public laws of 1937, is hereby further amended to read as follows:

‘**Sec. 69. Claim for homestead exemption to be recorded in registry of deeds; amount of exemption.** Such person may file in the registry of deeds in the county or district where the land lies, a certificate signed by him, declaring his wish for such exemption, and describing the land and buildings; and the register shall record it in a suitable book; and so much of such property as does not exceed ~~\$1000~~ **\$3000** in value, is **tax exempt and**

tax free and is exempt from attachment or levy on execution issued on a judgment recovered for any debt, contracted jointly or severally by such person after the date of the recording thereof; and the record in the register's office is prima facie evidence that the certificate purporting to be there recorded, was made, signed, and filed as there appears.'

Sec. 3. R. S., c. 95, § 70, amended. Section 70 of chapter 95 of the revised statutes, as amended by section 2 of chapter 36 of the public laws of 1937, is hereby further amended to read as follows:

'Sec. 70. Proceedings when creditor claims that homestead is worth more than \$3000. When such property is claimed by a creditor to be of greater value than ~~\$1000~~ **\$3000**, it may be seized on execution, and the appraisers shall first set off such part thereof as the debtor may select, and if he neglects so to do, the officer may select for him, to such value, by metes and bounds; and they shall then appraise and set off to the creditor, so much of the remainder as may be necessary to satisfy the execution; the appraisers shall be sworn accordingly and the officer shall make return of his doings thereon.'

Sec. 4. R. S., c. 95, § 71, amended. Section 71 of chapter 95 of the revised statutes is hereby amended to read as follows:

'Sec. 71. Widow and children may occupy during widowhood and minority. After his death, the exempted premises shall not be sold for payment of his debts during the widowhood of his widow, or the minority of any of his children; but may be occupied by his widow during her widowhood and by his children during minority, **tax exempt and tax free and free from claim by any creditor of his estate.** ~~But this and the three preceding sections do not exempt such property from the lien of mechanics or material men.'~~