

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
3, SECTION 164, SUBSECTION 6.**

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

B. The proceeds of a sale shall be used to pay the reasonable expenses for the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, and to pay any bona fide mortgage thereon, and the balance, if any, shall be deposited in the General Fund.

C. Records, required by Title 22, section 2387, subsection 5, shall be open to inspection by all federal and state officers charged with enforcement of federal and state laws relating to the handling of hazardous waste.

5. Civil liability. A person who disposes of hazardous waste, when that disposal, in fact, endangers the health, safety or welfare of another, is liable in a civil suit for all resulting damages. It is not necessary to prove negligence.

For the purposes of this action, damages shall be limited to damages to real estate or personal property or loss of income directly or indirectly as a result of a disposal of hazardous wastes. Damages awarded may be mitigated if the disposal is the result of an act of war or an act of God.

Nothing in this section shall preclude any action for damages which may be maintained under the common law or the laws of this State.

Sec. 19. 38 MRSA § 1310, first paragraph, as repealed and replaced by PL 1979, c. 699, § 16 is repealed and the following enacted in its place:

If the commissioner finds, after investigation, that any waste, whether or not hazardous waste, is being handled, transported or otherwise dealt with in a manner which may create a danger to public health or safety, he may order any person handling, transporting or otherwise dealing with the waste to immediately cease or prevent that activity and to take such action as may be necessary to terminate or mitigate the danger or likelihood of danger. He may also order any person contributing to the danger or likelihood of danger to cease or prevent that contribution.

Effective September 18, 1981

CHAPTER 431

H. P. 1530 — L. D. 1642

AN ACT to Specify the Exemptions which will Apply in Bankruptcy Cases.

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

Sec. 1. 14 MRSA c. 507, sub-c. II, Art. 6, as amended, is repealed.

Sec. 2. 14 MRSA c. 507, sub-c. II, Art. 7 is enacted to read:

ARTICLE 7. EXEMPTIONS

§ 4421. Definitions

As used in this article, unless the context otherwise indicates, the following words have the following meanings.

1. **Dependent.** "Dependent" includes a spouse, whether or not actually dependent.

2. **Value.** "Value" means fair market value as of the date of the attachment or, in a proceeding under the United States Code, Title 11, the date of the filing of the petition.

§ 4422. Exempt property

The following property is exempt from attachment and execution.

1. **Residence.** The debtor's aggregate interest, not to exceed \$7,500 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor 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 not exceed in value the lesser of \$7,500 or the product of the debtor's fractional share times \$15,000.

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

3. **Clothing; furniture; appliances; and similar items.** The debtor's interest, not to exceed \$200 in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments, that are held primarily for the personal, family or household use of the debtor or a dependent of the debtor.

4. **Jewelry.** The debtor's aggregate interest, not to exceed \$500 in value, in jewelry held primarily for the personal, 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.

5. **Tools of the trade.** The debtor's aggregate interest, not to exceed \$1,000 in value, in any implements, 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 and necessary for carrying on his trade or business and intended to be used or wrought therein.

6. **Furnaces, stoves and fuel.** The debtor's interest in the following items held primarily for the personal, family or household use of the debtor or a dependent of the debtor:

- A. One cooking stove;
 - B. All furnaces or stoves used for heating; and
 - C. All cooking and heating fuel not to exceed 10 cords of wood, 5 tons of coal, 1,000 gallons of petroleum products or its equivalent.
7. Food, produce and animals. The debtor's interest in the following items held primarily for the personal, family or household use of the debtor or a dependent of the debtor:
- A. All food provisions, whether raised or purchased, reasonably necessary for 6 months;
 - B. All seeds, fertilizers, feed and other material reasonably necessary to raise and harvest food through one growing season; and
 - C. All tools and equipment reasonably necessary for raising and harvesting food.
8. Farm equipment. The debtor's interest in one of every type of farm implement reasonably necessary for the debtor to raise and harvest agricultural products commercially, including any personal property incidental to its maintenance and operation.
9. Fishing boat. The debtor's interest in one boat, not exceeding 5 tons burden, used by the debtor primarily for commercial fishing.
10. Life insurance contract. Any unmatured life insurance contract owned by the debtor, other than a credit life insurance contract.
11. Life insurance dividends, interest and loan value. The debtor's aggregate interest, not to exceed in value \$4,000 less any amount of property of the estate transferred in the manner specified in the United States Code, Title 11, Section 542 (d), in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is dependent.
12. Health aids. Professionally prescribed health aids for the debtor or a dependent of the debtor.
13. Disability benefits; pensions. The debtor's right to receive the following:
- A. A social security benefit, unemployment compensation or a local public assistance benefit;
 - B. A veterans' benefit;
 - C. A disability, illness or unemployment benefit;

D. Alimony, support or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; or

E. A payment under a stock bonus, pension, profitsharing, annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:

(1) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;

(2) The payment is on account of age or length of service; and

(3) The plan or contract does not qualify under the United States Internal Revenue Code of 1954, Sections 401(a), 403(a), 403(b), 408 or 409.

14. Legal awards; life insurance benefits. The debtor's right to receive or property that is traceable to the following:

A. An award under a crime victim's reparation law;

B. A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

C. A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

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

E. A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

15. Other property. The debtor's aggregate interest, not to exceed in value \$400, in any property, whether or not otherwise exempt under this section.

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

§ 4423. Exempt property acquired within 90 days

Notwithstanding section 4402, if within 90 days of the attachment, or, in a

proceeding under the United States Code, Title 11, the date of the filing of the petition, the debtor transfers his nonexempt property and as a result acquires, improves, or increases in value property otherwise exempt under section 4422, his interest shall not be exempt to the extent that the acquisition, improvement or increase in value exceeds the reasonable needs of the debtor or his dependents.

§ 4424. Interest in excess of exemption

1. **Forced sale.** If the debtor's interest in any property exempt under section 4422 exceeds the exempt amount, the whole of the property may be sold.

2. **Distribution of proceeds.** The proceeds of a sale under subsection 1 shall be distributed in the following order:

- A. To the debtor in the amount of his exempt interest;
- B. To the creditor attaching or executing on the property; and
- C. To the debtor, the balance of the proceeds.

3. **Exception for residence.** With respect to a residence in which the debtor has an exempt interest, the debtor may designate as exempt from sale under subsection 1 any part of the residence having a value not in excess of the amount of his exemption.

§ 4425. Exceptions

1. **Residence.** The debtor's interest in a residence shall not be exempt from claims secured by real estate mortgages on or security interests in the residence or claims of lien creditors under Title 10, chapter 603.

2. **Other property.** The debtor's interest in other property shall not be exempt from claims secured by purchase money security interests in the property, except that the debtor's interest in property otherwise exempt under section 4422, subsections 8 and 9 shall not be exempt from claims secured by security interests in the property.

§ 4426. Exemptions in bankruptcy proceedings

Notwithstanding anything to the contrary in the United States Code, Title 11, Section 522(b), a debtor may exempt from property of his estate under United States Code, Title 11, only that property exempt under the United States Code, Title 11, Section 522 (b)(2)(A) and (B).

Sec. 3. 14 MRSA c. 507, sub-c. III, Art. 3, as amended, is repealed.

Sec. 4. 14 MRSA c. 507, sub-c. III, Art. 4 is enacted to read:

ARTICLE 4. EXEMPTIONS

§ 4561. Residence exemption

Exemptions with respect to residences are governed by subchapter II, Article 7.

Effective September 18, 1981

CHAPTER 432

H. P. 1531 — L. D. 1643

AN ACT Relating to Permits and Inspection for Electrical Installation in Commercial Buildings under the Electrician Law.

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

Sec. 1. 30 MRSA § 2557 is amended by adding at the end a new paragraph to read:

The installation or alteration of electrical equipment in municipalities which do not require a permit and in the unorganized territories is governed by Title 32, section 1102-B.

Sec. 2. 32 MRSA § 1102-B is enacted to read:

§ 1102-B. Permits and inspections of commercial buildings

1. Permits required. Except as otherwise provided in this section, no electrical equipment may be installed or altered unless the person making the installation first obtains a permit from the Electrician's Examining Board.

2. Application procedure. An application for a permit shall be made in a form prescribed by the board together with any plans, specifications or schedules the board may require. If the board determines that the installation or alteration planned is in compliance with all applicable statutes, ordinances and rules, it shall issue a permit, provided that the fee required under subsection 3 has been paid.

3. Inspection required. When the installation or alteration is completed, the person making the installation or alteration shall notify the state electrical inspector assigned to the area. The inspector shall inspect the installation within a reasonable time so as not to cause undue delay in the progress of the construction contract or installation. If he determines that the installation complies with all applicable statutes, ordinances and rules, he shall issue a certificate of approval. If he determines that the installation does not so comply, the procedures set forth in section 1104 shall apply.