

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
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1985

a declaration executed in this State or another state complies with this chapter and is valid.

Effective September 19, 1985.

CHAPTER 187

H.P. 1005 - L.D. 1449

AN ACT to Revise the Laws Pertaining to Real Estate Attachments, Levy on Execution and Exempt Property.

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

Sec. 1. 14 MRSA §4151 is amended by adding at the end a new paragraph to read:

Following the entry of judgment in a civil action and prior to the issuance of a writ of execution upon the judgment, any interest in real or personal property, which is not exempt from attachment and execution, may be attached by the plaintiff by the filing in the registry of deeds for the county in which the property is located or the proper place pursuant to Title 11, section 9-401, subsection (1), of an attested copy of the court order awarding judgment. Fees for the recording of the order shall be as otherwise provided for similar documents. Notwithstanding section 4454, the filing shall constitute perfection of the attachment. The party whose property has been so attached shall be immediately notified by certified letter, mailed by the plaintiff to the party's last known address, which shall inform the party that an attachment has been filed against the party's real or personal property and shall specify the registry of deeds or office of the Secretary of State in which the attachment has been recorded.

Sec. 2. 14 MRSA §4154, as repealed and replaced by PL 1983, c. 125, §3, is amended to read:

§4154. Optional method of attachment

Any interest in real or personal property, which is not exempt from attachment and execution, may be attached by the plaintiff by the filing in the registry of deeds for the county in which the property is

located or the proper place pursuant to Title 11, section 9-401, subsection 1, of an attested copy of the court order approving the real or personal property attachment, provided that the order shall be filed within 30 days after the order approving the attachment, or within such additional time as the court may allow upon a timely motion. Fees for the recording of the order shall be as otherwise provided for similar documents. The Notwithstanding section 4454, the filing shall constitute perfection of the attachment and service of a copy of the court's order shall be made upon the defendant in accordance with the Maine Rules of Civil Procedure pertaining to service of writs of attachment.

Sec. 3. 14 MRSA §4422, first ¶, as enacted by PL 1981, c. 431, §2, is amended to read:

The following property is exempt from attachment and execution, except to the extent that it has been fraudulently conveyed by the debtor.

Sec. 4. 14 MRSA §4651, 3rd ¶, as enacted by PL 1983, c. 125, §5, is amended to read:

If a lien created by this section is filed during the pendency of any prejudgment or post-judgment attachment obtained in the underlying civil action, the effective date of the lien shall relate back to the date of perfection of the attachment. The lien created by this section shall continue so long as the judgment in the underlying civil action shall remain unpaid and unsatisfied, unless sooner released or otherwise discharged.

Sec. 5. 14 MRSA §4751, as amended by PL 1983, c. 125, §6, is further amended to read:

§4751. Goods sold on execution

All chattels, real and personal liable at common law to attachment and not exempted therefrom by statute, may be taken and sold on execution as prescribed in this subchapter and subchapter IV. Credits of a sole proprietorship doing business under an assumed or trade name, partnership or corporation, other than designated payroll accounts expressly so designated to the credit holder by the account owner, may be taken on execution by an officer and turned over to the judgment creditor to be applied to the judgment, together with interest and costs.