

**Maine Debt Collection & Disclosure Hearing Helper (PTLA)**

Generated for {{ users[0].name }} on {{ format\_date(today()) }}

This Hearing Helper is a tool to help you prepare for and represent yourself at your {{ hearing\_type }} in Maine {{ court\_type }} Court. It is not legal advice, and you should talk with a lawyer about your case if you can – but this tool can help you navigate the process if you are on your own.

## You have to go to a {{ hearing\_type }}, now what?

{%p if hearing\_type == ‘Disclosure Hearing’ %}

If you were sued on a debt and lost your case, your next step may be 'disclosure.’' The person or company that you owe the debt to can use this “disclosure” process to get more information about your income and assets. They then use this information to figure out how to collect the debt you owe them.

The person or company you owe the debt to is called a ‘creditor.’ Sometimes the creditor must take you to court to find out what property and income you have. This is called a disclosure hearing. At the end of the disclosure hearing, the judge will decide whether you have anything the law allows the creditor to take. The judge will also decide how much your payments on the debt should be, and when you need to make those payments.

{%p endif %}

{%p if hearing\_type == ‘Debt Collection Hearing’ and court\_type == ‘District’ %}

When you are sued in District Court, you must file a written answer within 20 days of the day the Complaint and Summons are delivered to you. If you do not file a written answer within 20 days, you will likely lose the case by default.

Try to get a lawyer’s advice if you are sued for a debt in District Court. This is very important if you believe that you don’t owe some or all of the money or have other legal defenses. You can contact Pine Tree – we may be able to help in these cases.

{%p endif %}

## Income and Assets – are you ‘collections proof?’

Maine law recognizes that there are certain basic things a person needs in order to live. Some property and income cannot be taken from you unless you agree. This may mean that even if you owe a debt, go to court, and lose, the company that owns your debt may not be able to collect any money from you because of the amount or type of income you have and your assets are exempt from collections under Maine law. This is often called being ‘collections proof’ - and if this is your situation you should not be ordered to pay a debt from your exempt income or assets.

This tool will help you organize your income and assets, and let you know if they should be considered exempt from most debt collection or not.

### Income

Some kinds of income are exempt from collections under Maine law – this means you cannot be ordered to pay certain debts out of this income.

I have income from:

{%p if income\_type\_wage %}

Wages or other income from work in the amount of {{ wage\_amount | currency }} each week.

{%p endif %}

{%p if income\_type\_wage %}

Of this income from wages {% if wage\_amount < 566.00 %} all of it {% elif wage\_amount > 566.00 and wage\_amount < 754.68 %} the first $566.00 {% else %} ¾ of it {% endif %} **is exempt from collections**.

{%p endif %}

{%p if income\_type\_TANF %}

TANF in the amount of {{ TANF\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_SSI %}

Social Security & SSI in the amount of 3{{ SSI\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_VA %}

Veterans Benefits in the amount of {{ VA\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_WC %}

Worker’s Compensation in the amount of {{ WC\_amount | currency }} each month **which is exempt from collections**. {%p endif %}

{%p if income\_type\_MERB %}

Maine State Retirement Benefits in the amount of {{ MERB\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_UI %}

Unemployment Compensation in the amount of {{ UI\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_Support %}

Spousal support or other support necessary for supporting myself or my dependents, including child support payments in the amount of {{ Support\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_PA %}

Other forms of public aid (like General Assistance) in the amount of {{ PA\_amount | currency }} each month **which is exempt from collections**.

{%p endif %}

{%p if income\_type\_TAX %}

Earned Income Tax Credit and Additional Child Tax Credit in the amount of {{ TAX\_amount | currency }} from my most recent income tax filing **which is exempt from collections**.

{%p endif %}

### Property

Some property is totally exempt from debt collections (unless you have put it up as collateral) – this means a creditor can’t take this property to pay a debt.

‘Equity’ means the amount of the value of your property that is available to you, after accounting for existing liens or financing like a mortgage or loan you still owe on.

I have the following property:

{%p if property\_type\_home\_standard %}

I own a home and have approximately {{ home\_equity\_amount | currency }} in equity. **Under Maine law, up to $80,000 in home equity is exempt from collections.**

{%p endif %}

{%p if property\_type\_home\_increase %}

I own a home and have approximately {{ home\_equity\_amount | currency }} in equity. Because {% if home\_minor\_dep %} a minor dependent lives with me {% elif home\_disabled\_dep %} I have a dependent who is age 60 or older or disabled {% else %} I am age 60 or older, or disabled {% endif %} **under Maine law up to $160,000 in home equity is exempt from collections**.

{%p endif %}

{%p if property\_type\_home\_additional %}

I also own {{ additional\_home\_number }} other home(s) or piece(s) of property and have approximately {{ additional\_home\_equity\_amount | currency }} in equity.

{%p endif %}

{%p if property\_type\_vehicle %}

I own a vehicle and have approximately {{ vehicle\_equity\_amount | currency }}in equity. **Under Maine law up to $10,000 in equity in one vehicle is exempt from collections**.

{%p endif %}

{%p if property\_type\_vehicle\_additional %}

I also own { additional\_vehicle\_number } other vehicle(s) and have approximately {{ additional\_vehicle\_equity\_amount }} in equity.

{%p endif %}

{%p if property\_type\_cash %}

I have {{ cash\_amount | currency }} in cash and bank accounts. **Under Maine law up to $3,000 in cash or bank accounts is exempt from collections.**

{%p endif %}

{%p if property\_type\_tools %}

I have {{ tools\_equity\_amount | currency }} in equity in the tools of my trade. **Under Maine law up to $9,500 in equity in tools of the trade is exempt from collections.**

{%p endif %}

{%p if property\_type\_clothes %}

I have {{ clothes\_number }} items of clothing each with a value of $500 or over.

{%p endif %}

{%p if property\_type\_household %}

I have {{ household\_number }} household goods, including furniture or appliances, each with a value of $500 or over.

{%p endif %}

{%p if property\_type\_farm %}

I am a farmer and I have one of each type of farm tool or implement reasonably necessary for my commercial farming operation. **Under Maine law these are exempt from collections**.

{%p endif %}

{%p if property\_type\_farm\_additional %}

I also have additional farm tools or implements with a value of {{ additional\_farm\_value | currency }}.

{%p endif %}

{%p if property\_type\_boat\_standard %}

I work in commercial fishing and have a fishing boat that is not longer than 46 feet. My boat is {{ boat\_detail }}. I have approximately {{ boat\_value | currency }} in equity in this boat. **Under Maine law this fishing boat is exempt from collections.**

{%p endif %}

{%p if property\_type\_boat\_large %}

I work in commercial fishing and have a fishing boat that is over 46 feet in length. My boat is {{ large\_boat\_detail }}. I have approximately {{ large\_boat\_value | currency }} in equity in this boat.

{%p endif %}

{%p if property\_type\_boat\_other %}

I own a boat for personal use. My boat is {{ other\_boat\_detail }}. This boat is worth {{ other\_boat\_value }}.

{%p endif %}

## Talking to the creditor’s lawyer

When you get to court, the creditor’s lawyer may try to get you to agree to settle the case and negotiate a payment plan with you. The court will probably encourage you to meet with the creditor's lawyer outside the courtroom. Here are some tips for talking with the lawyer:

* **Do** talk with the creditor’s lawyer, especially if the court asks you to do this. Talking is ok. If you talk it over, you may be able to agree on payments that you can afford.
* **Do not** agree to a payment plan just because you are afraid of having a hearing, or because the creditor’s lawyer really wants you to make an agreement.
* **Do not** agree to payments that are more than you can realistically afford. You can always get a hearing before the judge if the lawyer is requesting payments that you think are too high for you.
* **You do not need to make an agreement before the hearing**. The hearing will cover the same issues the creditor's lawyer discussed with you.
* **If your income is exempt from collection, you do not need to agree to make payments**. (But you can if you want to and can afford them.)