

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 3
Titles 14 to 20



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 11

CONTEMPT

Sec.

- 251. Rights of those judged in contempt.
- 252. Summary process where decree disobeyed; contempt.
- 253. Debtor's refusal to appear.
- 254. Debtor's refusal to testify.

§ 251. Rights of those judged in contempt

In all cases where a person shall be charged with contempt for violation of a restraining order or injunction issued by a court or judge or judges thereof, in any case involving or growing out of a labor dispute, the accused shall enjoy:

1. Bail. The rights as to admission to bail that are accorded to persons accused of crime;

2. Accusation and defense. The right to be notified of the accusation and a reasonable time to make a defense, provided the alleged contempt is not committed in the immediate view or presence of the court;

3. Trial by jury. Upon demand, the right to a speedy and public trial by an impartial jury of the county wherein the contempt shall have been committed. This requirement shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct or disobedience of any officer of the court in respect to the writs, orders or process of the court.

R.S.1954, c. 107, § 37.

§ 252. Summary process where decree disobeyed; contempt

Whenever a party complains in writing and under oath that the process, decree or order of court, which is not for the payment of money only, has been disregarded or disobeyed by any person, summary process shall issue by order of any justice, requiring such person to appear on a day certain and show cause why he should not be adjudged guilty of contempt. Such process shall fix a time for answer to the complaint and may fix a time for hearing on oral testimony, depositions or affidavits, or may fix successive times for proof, counterproof and proof in rebuttal,

or the time for hearing and manner of proof may be subsequently ordered upon the return day or thereafter. The court may for good cause enlarge the time for such hearing. If the person so summoned does not appear as directed or does not attend the hearing at the time appointed therefor as enlarged, or if, upon hearing, he is found guilty of such disregard or disobedience, he shall be adjudged in contempt and the court may issue a *capias* to bring him before it to receive sentence and may punish him by such reasonable fine or imprisonment as the case requires. The court may allow such offender to give bail to appear at a time certain, when such punishment may be imposed if he continues in contempt; but when a second time found guilty of contempt in disregarding or disobeying the same order or decree, no bail shall be allowed. When such person purges himself of his contempt, the justice may remit such fine or imprisonment or any portion thereof. No appeal lies from any order or decree for such punishment, save upon questions of jurisdiction; nor shall such appeal suspend the enforcement of any such order or decree unless the court so directs.

R.S.1954, c. 107, § 35; 1959, c. 317, § 89.

§ 253. Debtor's refusal to appear

If the debtor or the officer of the debtor corporation or any other person duly served with subpoena under chapter 503 refuses or neglects to appear, the magistrate shall upon the request of the petitioner issue a *capias* to bring said debtor or the officer of the debtor corporation or other person before him, and if upon hearing, said debtor or the officer of the debtor corporation or other person does not show good cause for his failure to appear, he may be ordered to pay the costs of issuing and serving said *capias*. After the question of costs of issuing and serving said *capias* has been thus determined, such debtor or the officer of the debtor corporation or other person shall submit himself to the examination required by his original subpoena.

R.S.1954, c. 120, § 34.

§ 254. Debtor's refusal to testify

If the debtor or the officer of the debtor corporation or other person duly served with subpoena under chapter 503 refuses to testify in obedience thereto, or refuses to answer any proper questions, or if the debtor or the officer of the debtor corporation refuses to make full disclosure upon all matters named in section

3501, or if said debtor or the officer of the debtor corporation refuses to comply with any proper order of the magistrate or perform the duty imposed upon him by section 3303, he shall be adjudged to be in contempt and be committed to jail until he purges himself of such contempt by compliance, or is otherwise discharged by due process of law. The warrant of commitment shall state specifically the contempt of which the prisoner is guilty. If said officer complies with the requirements of section 253, no execution shall run against his body.

R.S.1954, c. 120, § 35.