

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 883

H. P. 702

House of Representatives, March 9, 1977

On motion of Mr. Spencer of Sandish, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Authorizing Use of Subpoena Powers to Enforce Support
Obligations.**

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

19 MRSA § 494-A is enacted to read:

§ 494-A. Subpoena powers

In carrying out any of the provisions of this subchapter, the hearing officer, through the Attorney General's Office or the assistant attorneys general assigned to the Department of Human Services, upon his or their own motion or the request of any party, shall have the power to subpoena witnesses, compel their attendance and require the production of any papers, books, records or documents which are relevant to determining the support obligation and the responsible parent's ability to pay or earn.

If any individual without lawful excuse fails to obey a subpoena or to give testimony when directed to do so by the hearing officer or departs himself in a disrespectfully or disorderly manner during an investigation or obstructs the proceedings by any means, whether or not in the presence of the hearing officer, such individual is guilty of contempt. The hearing officer, through the Attorney General, may file a complaint setting forth the facts constituting the contempt in the Superior Court in the county where the hearing is taking place, requesting an order returnable in not less than 2 nor more than 5 days, directing the alleged contemner to show cause before the court why he should not be punished for contempt. If the court determines that the respondent

has committed any alleged contempt, the court shall punish the offender as if the contempt has occurred in an action arising in or pending in such court.

Subpoenas shall be served pursuant to the Maine Rules of Civil Procedure. Costs for subpoenas shall be borne by the moving party.

STATEMENT OF FACT

The purpose of this bill is to provide a mechanism whereby attendance of witnesses and production of documents can be compelled at administrative support hearings. Such power is essential to the effective implementation of the alternative method of support enforcement.