

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 947

6
7 H.P. 664

House of Representatives, March 7, 1985

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Warren of Scarborough.

11 Cosponsored by Senator Trafton of Androscoggin, Senator Danton of
York and Representative Jackson of Harrison.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Concerning Maine's Debt Collection
18 Procedure.
19

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

22 Sec. 1. 14 MRSA §3134, as enacted by PL 1971, c.
23 408, §1, is repealed.

24 Sec. 2. 14 MRSA §3135, as amended by PL 1973, c.
25 477, §7, is repealed.

26 Sec. 3. 14 MRSA §3136, as amended by PL 1973, c.
27 788, §59, is further amended to read:

28 §3136. Contempt, ex parte proceedings

29 Whenever a judgment debtor fails to comply with
30 any order under this subchapter and a judgment credi-
31 tor complains in writing to the court that such an
32 order has been disregarded or disobeyed by the judg-
33 ment debtor, or if a judgment debtor fails to appear

1 after having given his personal recognizance being
2 duly served with a subpoena under section 3123, sum-
3 mary process shall issue by order of the judge, re-
4 quiring the judgment debtor to appear for a hearing
5 on a day certain and show cause why he shall not be
6 adjudged guilty of contempt and be punished by such
7 reasonable fine or imprisonment as the circumstances
8 require. In addition, the judgment creditor may pro-
9 ceed ex parte and the court may enter orders pursuant
10 to sections 3127, 3130, 3131, 3132 and 3137, except
11 that no earnings shall be subject to an installment
12 payment order under section 3127 or an order to an
13 employer or payor of earnings under section 3137 ex-
14 cept for the excess of earnings over \$100 per week.

15

STATEMENT OF FACT

16 The purpose of this bill is to eliminate the re-
17 quirement of issuance of a capias where a defendant
18 fails to appear on a subpoena for a disclosure hear-
19 ing for enforcement of a money judgment.

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