

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1401

6
7 H.P. 966

House of Representatives, April 25, 1985

8 On Motion of Representative Paradis of Augusta, referred to the
9 Committee on Judiciary. Sent up for concurrence and ordered printed.
Ordered sent forthwith.

10 EDWIN H. PERT, Clerk

Presented by Representative McHenry of Madawaska.

11
12 STATE OF MAINE
13

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

17 AN ACT to Make Small Claims Courts More
18 Effective.
19

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

22 14 MRSA §7484, sub-§5, as enacted by PL 1981, c.
23 667, §2, is amended to read:

24 5. Disclosure. There shall be a simplified en-
25 forcement of money judgment proceeding through which
26 a judgment creditor may obtain the appearance of the
27 judgment debtor at a disclosure hearing. The en-
28 forcement of money judgment proceeding shall be con-
29 sistent with the provisions of chapter 502, except
30 that the subpoena requirement may be met by another
31 form of notice. Notwithstanding section 3134, if a
32 defendant fails to appear at a disclosure hearing,
33 after having been notified of the hearing pursuant to
34 this section, summary process shall issue by order of
35 the judge, requiring the defendant to appear for a
36 hearing on a day certain and show cause why he shall

1 not be adjudged guilty of contempt and be punished by
2 such reasonable fine or imprisonment as the circum-
3 stances require and may proceed as provided in sec-
4 tion 3136. Notwithstanding any other provision of
5 this Title, if a defendant has been ordered to make
6 payments following a proceeding pursuant to this
7 chapter and he fails to comply with the terms of that
8 order as they relate to payment, summary process
9 shall issue by order of the judge, upon petition of
10 the plaintiff, requiring the defendant to appear for
11 a hearing on a day certain and show cause why he
12 should not be adjudged guilty of contempt and be pun-
13 ished by such reasonable fine or imprisonment as the
14 circumstances require.

15 STATEMENT OF FACT

16 The purpose of this bill is to provide that if a
17 defendant in a small claims' action fails to appear
18 for disclosure or fails to comply with any payment
19 order issued by the court, he may be held in con-
20 tempt.

21 1219031985