

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 434

H.P. 335 House of Representatives, February 19, 1987
On Motion of Representative PARADIS of Augusta referred
to the Committee on Judiciary. Sent up for concurrence and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative WARREN of Scarborough.

Cosponsored by Representatives PARADIS of Augusta,
STEVENS of Bangor and Senator DILLENBACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Streamline the Debt Collection
Procedure.

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

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408, §1, is repealed.

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477, §7, is repealed.

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

§3136. Contempt, ex parte proceedings

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

20 STATEMENT OF FACT

21 The purpose of this bill is to eliminate the re-
22 quirement of issuance of a capias when a defendant
23 fails to appear on a subpoena for a disclosure hear-
24 ing for enforcement of a money judgment.

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