

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 393

H.P. 281

House of Representatives, February 23, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MacBRIDE of Presque Isle.
Cosponsored by Representative COTE of Auburn.

STATE OF MAINE

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

An Act to Amend the Law to Provide for Appeal of Civil Contempt
Orders.



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

3 **14 MRSA §252**, as amended by PL 1979, c. 668, §1, is further
amended to read:

5 **§252. Summary process where decree disobeyed; contempt**
7

9 Whenever a party or the Department of Human Services, if it
11 is subrogated to a party under Title 19, chapter 7, subchapter V,
13 complains in writing and under oath that the process, decree or
15 order of court, which is not, except as provided in Title 19,
17 section 771, for the payment of money only, has been disregarded
19 or disobeyed by any person, summary process shall issue by order
21 of any justice, requiring such that person to appear on a day
23 certain and show cause why he that person should not be adjudged
25 guilty of contempt. Such process shall fix a time for answer to
27 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 the 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 the person is found
guilty of such disregard or disobedience, he the person shall be
adjudged in contempt and the court may issue a *capias* to bring
him the person before it to receive sentence and may punish him
the person by such reasonable fine or imprisonment as the case
requires. The court may allow such the offender to give bail to
appear at a time certain, when such the punishment may be imposed
if he the person 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 the person
purges himself-~~of-his~~ that contempt, the justice may remit such
the 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~~ Appeal from any order or
decree or judgment under this section shall be governed by the
Maine Rules of Civil Procedure. Such appeal shall not suspend
the enforcement of any such order or decree unless the court so
directs.

43 **STATEMENT OF FACT**
45

47 This bill provides for the appeal of civil contempt orders
49 and makes the law consistent with the recent Law Court decision
51 in International Paper Co. v. UPIU, (Me. No. 4933, Dec. 13,
1988), which provided that an appeal from an order of civil
contempt was not limited solely to questions of jurisdiction.