

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1572

H.P. 1129

House of Representatives, May 9, 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 RICHARD of Madison.  
Cosponsored by Representative PAUL of Sanford.

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STATE OF MAINE

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

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An Act Regulating the Procedure in Small Claims Actions.

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

3 14 MRSA §3135, 3rd ¶, as enacted by PL 1987, c. 184, §18, is  
5 amended to read:

7 After the judgment ~~judgment~~ debtor is brought to the court,  
9 the clerk shall promptly notify the judgment creditor or ~~his~~ the  
11 creditor's attorney of record in person or by telephone that ~~his~~  
13 the creditor's or the attorney's presence is required for a  
15 hearing. If a disclosure or contempt hearing cannot be held that  
17 day due to the inability of the judgment creditor or ~~his~~ the  
19 creditor's attorney to appear or due to the absence of the judge  
21 or the inability of the court to hear the matter because of other  
23 business, the court or clerk shall release the debtor upon ~~his~~  
25 the debtor ~~personal recognizance for his appearance on a date~~  
certain posting bond equal to the amount of the debt plus court  
costs incurred by the creditor. If the debtor fails to appear  
for the disclosure or contempt hearing after being released upon  
~~his personal recognizance, the court may issue additional civil~~  
~~orders of arrest to bring the debtor before the court for hearing~~  
posting bond, the bond shall be forfeited and paid over to the  
creditor.

27 **STATEMENT OF FACT**

29 This bill requires judgment debtors on small claims actions  
31 to post a bond equal to the amount of the debt and court costs  
33 before being released by the clerk of courts after a civil arrest  
warrant has been issued and the debtor arrested and delivered to  
District Court. If, after being released, the debtor fails to  
35 appear for the disclosure or contempt hearing, the debtor  
forfeits the bond which shall be paid over to the creditor.