

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 235

H.P. 180

House of Representatives, January 16, 1997

An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.

Cosponsored by Representatives: BELANGER of Wallagrass, CLUKEY of Houlton, JOY of Crystal, O'NEAL of Limestone, PINKHAM of Lamoine, WATERHOUSE of Bridgton.

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

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4 **Sec. 1. 14 MRSA §3135, first ¶**, as repealed and replaced by PL 1987, c. 184, §18, is amended to read:

6 A civil order of arrest issued under section 3134,
8 subsection 1, or section 3136, shall must direct the sheriff to
10 arrest the individual named in the order and bring the individual
12 to a hearing on any day the days-or-date-specified court is in
14 the---civil---order---of---arrest session. In the case of a
16 nonindividual debtor, a the civil order of arrest shall--issue
18 must be issued for the arrest of any officer, director or
20 managing agent of the debtor or other agent appointed by the
22 debtor to accept service and who was served with the disclosure
24 subpoena.

26 **Sec. 2. 14 MRSA §3135, 3rd ¶**, as enacted by PL 1987, c. 184,
28 §18, is amended to read:

30 After the judgment judgment debtor is brought to the court,
32 the clerk shall promptly notify the judgment creditor or his the
34 judgment creditor's attorney of record in person or by telephone
36 that his the presence of one of them is required for a hearing.
38 If a disclosure or contempt hearing cannot be held that day due
40 to the inability of the judgment creditor or his the judgment
42 creditor's attorney to appear or due to the absence of the judge
44 or the inability of the court to hear the matter because of other
46 business, the court or clerk shall release the debtor upon his
48 the debtor's personal recognizance for his appearance on a date
50 certain. ~~If the A debtor who fails to appear for the disclosure
or contempt hearing after being released upon his the debtor's
personal recognizance,--the--court--may--issue--additional--civil
orders-of-arrest-to-bring-the-debtor-before-the-court-for-hearing
commits a Class E crime.~~

36 **Sec. 3. 14 MRSA §3136, sub-§4**, as enacted by PL 1987, c. 184,
38 §19, is amended to read:

40 **4. Failure to appear.** If the person sought to be held in
42 contempt fails to appear after being duly served with a contempt
44 subpoena and the judgment creditor appears at the time and place
46 named in the subpoena, upon the request of the judgment creditor,
48 the judge shall issue a civil order of arrest directing the
50 sheriff to arrest the person and bring the person to the court on
any day the days-or-date-specified the court is in the-civil
order-of-arrest session. In the case of a nonindividual, a the
civil order of arrest shall must be issued for the arrest of any
officer, director or managing agent who was served with the
contempt subpoena.

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SUMMARY

4 This bill changes the civil order of arrest process so that
6 a sheriff may arrest the individual named in the order and bring
8 that person to court on any day the court is in session, rather
10 than just the days designated by the court. The bill also makes
 it a Class E crime for a debtor to fail to appear for the
 scheduled disclosure or contempt hearing after being released on
 the debtor's personal recognizance.