

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 386

S.P. 107

In Senate, January 23, 1997

**An Act to Amend the Civil Order of Arrest Procedures for Enforcement
of Money Judgments.**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENOIT of Franklin.
Cosponsored by Representative GOOLEY of Farmington.

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

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3 Sec. 1. 14 MRSA §3135, 3rd ¶, as enacted by PL 1987, c. 184,
4 §18, is amended to read:

6 After the judgment judgment debtor is brought to the court,
7 the clerk shall promptly notify the judgment creditor or his the
8 creditor's attorney of record in person or by telephone that his
9 the presence of the judgment creditor or the creditor's attorney
10 of record is required for a hearing. If a disclosure or contempt
11 hearing cannot be held that day due to the inability of the
12 judgment creditor or his the creditor's attorney to appear or due
13 to the absence of the judge or the inability of the court to hear
14 the matter because of other business, the court or clerk shall
15 release--the--debtor--upon--his--personal--recognizance--for--his
16 appearance--on--a--date--certain admit the judgment debtor to bail.
17 If--the--debtor--fails--to--appear--for--the--disclosure--or--contempt
18 hearing--after--being--released--upon--his--personal--recognizance,--the
19 court--may--issue--additional--civil--orders--of--arrest--to--bring--the
20 debtor--before--the--court--for--hearing. The court may not release
21 the debtor on the debtor's personal recognizance.
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SUMMARY

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27 This bill amends the law governing the procedures for
28 enforcement of money judgments. It requires the court to set an
29 amount of bail for a debtor whom the sheriff has arrested under a
30 civil order of arrest and delivered to the District Court for
31 disclosure or a contempt hearing. Under current law the court
32 may release the debtor on personal recognizance if the disclosure
33 or hearing can not be held that same day. This bill provides
34 that the debtor must post bail and may not be released on
personal recognizance.