## MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

### **FIRST REGULAR SESSION-1999**

Legislativ	tive Document	No. 748
H.P. 541	1 House of Representatives, January	28, 1999
	An Act to Strengthen the Collection of Money Judgments.	

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative O'NEIL of Saco.

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

Sec. 1. 14 MRSA §3134, sub-§3 is enacted to read;

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3. Penalty. If the judgment debtor fails to appear after being duly served with a subpoena under section 3123 or under a contempt subpoena under section 3136 or with an order to appear and disclose under Title 19-A, section 2361, that judgment debtor is also subject to a mandatory \$75 penalty for failure to appear unless good cause is shown. If the judgment debtor has been brought to court under a civil order of arrest, the judgment debtor may not be released until payment of the penalty or arrangements have been made with the court for payment of the penalty in a timely manner. Fifty dollars of the penalty must go toward reduction of the debt and \$25 to the court for costs.

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Sec. 2. 14 MRSA §3135, 3rd  $\P$ , as amended by PL 1997, c. 17, §2, is further amended to read:

After the judgment debtor is brought to the court, the clerk shall promptly notify the judgment creditor or the judgment creditor's attorney of record in person or by telephone that the presence of one of them is required for a hearing. The judgment creditor or the judgment creditor's attorney of record must be given at least 5 hours to reach the court. If a disclosure or contempt hearing cannot be held that day due to the inability of the judgment creditor or the judgment creditor's attorney to appear or due to the absence of the judge or the inability of the court to hear the matter because of other business, the court or clerk shall release the debtor upon the debtor's personal recognizance for appearance on a date certain. A debtor who fails to appear for the disclosure or contempt hearing after being released upon the debtor's personal recognizance commits a Class E crime.

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#### **SUMMARY**

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This bill imposes a monetary penalty on those judgment debtors who fail to appear in court in response to subpoenas or at disclosure hearings. The bill also requires the court to allow a judgment creditor 5 hours to appear in court after a civil order of arrest has been accomplished.

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