

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Some
ROFS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

L.D. 912

Date: 5/15/13

(Filing No. H-175)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 636, L.D. 912, Bill, "An Act To Provide Another Alternative to the Civil Order of Arrest Process"

Amend the bill in section 1 in subsection 2 in the first line (page 1, line 4 in L.D.) by striking out the following: "Instead" and inserting the following: 'Prior to February 15, 2016, instead'

Amend the bill in section 1 in subsection 2 by inserting at the end a new blocked paragraph to read:

'Beginning February 15, 2016, instead of requesting a civil order of arrest, the creditor may proceed by way of a motion for contempt for failure to appear. This motion must be served upon the debtor with a contempt subpoena in the manner set forth in section 3136. If the debtor, after being duly served with a contempt subpoena, fails to appear at the time and place named in the contempt subpoena, the court may find the debtor in civil contempt and shall issue a civil order of arrest under section 3136, subsection 4 or, at the creditor's request, shall issue an order for the debtor to appear in court at a certain date and time for further proceedings. The order must be served upon the debtor in hand by the sheriff, who shall obtain from the debtor the debtor's personal recognizance bond to appear in court at the specified date and time.'

Amend the bill in section 2 in the first indented paragraph in the last line (page 1, line 28 in L.D.) by inserting after the following: "bond." the following: 'This paragraph is repealed February 15, 2016.'

Amend the bill in section 2 in the 2nd indented paragraph in the last line (page 1, line 32 in L.D.) by inserting after the following: "employment." the following: 'This paragraph is repealed February 15, 2016.'

Amend the bill by inserting after section 2 the following:

'**Sec. 3. 14 MRSA §3135**, as amended by PL 2011, c. 177, §1, is further amended by adding at the end 2 new paragraphs to read:

COMMITTEE AMENDMENT

ROFS

1 Beginning February 15, 2016, if the debtor fails to appear at the time and place
2 specified in a personal recognizance bond obtained by the sheriff, clerk or court, and
3 upon request of the judgment creditor, the court shall order the Department of Labor to
4 provide the judgment creditor with the name and address of the current or most recent
5 employer of the debtor, if any, together with the date the employer last reported wage
6 information concerning the debtor and issue an additional civil order of arrest pursuant to
7 section 3134 directing the sheriff to cause the debtor named in the order to be arrested
8 and delivered to the District Court without obtaining from the debtor a personal
9 recognizance bond.

10 Beginning February 15, 2016, a debtor admitted to personal recognizance bond under
11 this section shall date and sign the bond and provide the following information: date of
12 birth, hair color, eye color, height, weight, gender, race, telephone number, name of
13 employer, address of employer and days and hours of employment.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment adds a repeal date of February 15, 2016 to the changes made in the
18 bill. It also provides for the provisions of the current law to be effective again beginning
19 February 15, 2016.