

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 912

H.P. 636

House of Representatives, March 7, 2013

An Act To Provide Another Alternative to the Civil Order of Arrest Process

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NELSON of Falmouth.
Cosponsored by Senator KATZ of Kennebec and
Representatives: DION of Portland, HOBBS of Saco, MORIARTY of Cumberland,
NUTTING of Oakland, PRIEST of Brunswick, Senators: BOYLE of Cumberland, HASKELL
of Cumberland, HILL of York.

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

2 **Sec. 1. 14 MRSA §3134, sub-§2**, as amended by PL 1987, c. 708, §9, is repealed
3 and the following enacted in its place:

4 **2. Alternative methods.** Instead of requesting a civil order of arrest pursuant to
5 subsection 1:

6 A. The judgment creditor may request the court to issue an order for appearance, and
7 the court shall order the debtor to appear in court at a certain date and time for further
8 disclosure proceedings. This order must be served upon the debtor in hand by the
9 sheriff, who shall obtain from the debtor a personal recognizance bond to appear in
10 court at the specified date and time; or

11 B. The creditor may proceed by way of a motion for contempt for failure to appear.
12 This motion must be served upon the debtor with a contempt subpoena in the manner
13 set forth in section 3136. If the debtor, after being duly served with a contempt
14 subpoena, fails to appear at the time and place named in the contempt subpoena, the
15 court may find the debtor in civil contempt and shall issue a civil order of arrest
16 under section 3136, subsection 4 or, at the creditor's request, shall issue an order for
17 appearance pursuant to paragraph A.

18 **Sec. 2. 14 MRSA §3135, 4th and 6th ¶¶**, as enacted by PL 2011, c. 177, §1, are
19 amended to read:

20 If the debtor fails to appear at the time and place specified in a disclosure subpoena or
21 contempt subpoena issued pursuant to section 3134, subsection 2 or in a personal
22 recognizance bond obtained by the sheriff, clerk or court, and upon request of the
23 judgment creditor, the court shall order the Department of Labor to provide the judgment
24 creditor with the name and address of the current or most recent employer of the debtor,
25 if any, together with the date the employer last reported wage information concerning the
26 debtor and issue an additional civil order of arrest pursuant to section 3134 directing the
27 sheriff to cause the debtor named in the order to be arrested and delivered to the District
28 Court without obtaining from the debtor a personal recognizance bond.

29 A debtor admitted to personal recognizance bond under this section or section 3134
30 shall date and sign the bond and provide the following information: date of birth, hair
31 color, eye color, height, weight, gender, race, telephone number, name of employer,
32 address of employer and days and hours of employment.

33 **SUMMARY**

34 This bill allows a judgment creditor to request a court to issue an order for
35 appearance as an alternative means of enforcing a debtor's failure to appear in court after
36 having been served with a disclosure subpoena.