

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 451

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S.P. 180

In Senate, February 24, 2015

### An Act To Improve Disclosure Procedures

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

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

2 **Sec. 1. 14 MRSA §3126-A, sub-§8** is enacted to read:

3 **8. Order to Department of Labor.** When it is shown upon ex parte motion and  
4 affidavit that the judgment debtor has failed to timely make 2 or more payments required  
5 by an installment payment order under this section, the court shall order the Department  
6 of Labor to provide the judgment creditor with the name and address of the current or  
7 most recent employer of the judgment debtor, if any, together with the date the employer  
8 last reported wage information concerning the judgment debtor.

9 **Sec. 2. 14 MRSA §3134, sub-§2**, as repealed and replaced by PL 2013, c. 150,  
10 §1, is amended to read:

11 **2. Alternative methods.** ~~Prior to February 15, 2016, instead~~ Instead of requesting a  
12 civil order of arrest pursuant to subsection 1:

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

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

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

35 **Sec. 3. 14 MRSA §3135, 4th ¶**, as amended by PL 2013, c. 150, §2, is further  
36 amended to read:

37 If the debtor fails to appear at the time and place specified in a notice of disclosure  
38 hearing in a small claims action or in a disclosure subpoena or contempt subpoena issued  
39 pursuant to section 3134, subsection 2 or in a personal recognizance bond obtained by the  
40 sheriff, clerk or court, and upon request of the judgment creditor, the court shall order the  
41 Department of Labor to provide the judgment creditor with the name and address of the

1 current or most recent employer of the debtor, if any, together with the date the employer  
2 last reported wage information concerning the debtor and issue an additional civil order  
3 of arrest pursuant to section 3134 directing the sheriff to cause the debtor named in the  
4 order to be arrested and delivered to the District Court without obtaining from the debtor  
5 a personal recognizance bond. ~~This paragraph is repealed February 15, 2016.~~

6 **Sec. 4. 14 MRSA §3135, 6th ¶**, as amended by PL 2013, c. 150, §2, is further  
7 amended to read:

8 A debtor admitted to personal recognizance bond under this section or section 3134  
9 shall date and sign the bond and provide the following information: date of birth, hair  
10 color, eye color, height, weight, gender, race, telephone number, name of employer,  
11 address of employer and days and hours of employment. ~~This paragraph is repealed~~  
12 ~~February 15, 2016.~~

13 **Sec. 5. 14 MRSA §3135, 9th ¶**, as enacted by PL 2013, c. 150, §3, is repealed.

14 **Sec. 6. 14 MRSA §3135, last ¶**, as enacted by PL 2013, c. 150, §3, is repealed.

## 15 SUMMARY

16 This bill provides for the removal of the sunset provisions contained in Public Law  
17 2013, chapter 150. It clarifies that the amendments made by Public Law 2013, chapter  
18 150 apply to small claims court disclosure proceedings and allows the judgment creditor  
19 to obtain Department of Labor wage information when the judgment debtor has not  
20 conformed to the requirements of an installment payment order.