

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 584

H. P. 1103

House of Representatives, Feb. 8, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Miss Laughlin of Portland.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D T H I R T Y -
T H R E E

A N A C T R e l a t i n g t o D i s c l o s u r e s o f t h e A f f a i r s o f C o r p o r a t i o n s a n d t h e
P l a c e W i t h i n C o u n t i e s i n w h i c h D i s c l o s u r e s a r e t o b e M a d e .

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

Section 1. R. S. c. 124, § 21, amended. Section 21 of chapter 124 of the revised statutes is hereby amended to read as follows:

'Sec. 21. Owner of judgment may have disclosure any time. The owner of any judgment remaining unsatisfied in any part may have a disclosure of the business and property affairs of any judgment debtor, **including corporations**, at any time, by proceedings as hereinafter provided, but married women, and judgment debtors not liable to arrest, as provided in section 64 of chapter 14 or by virtue of proceedings under sections 6 or 8, thus cited shall not be arrested except for contempt or upon *capias* issued to bring them before the magistrate as provided by section 33.'

Sec. 2. R. S. c. 124, § 22, amended. Section 22 of chapter 124 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Owner may make application for subpoena to debtor to make disclosure. Such owner, or his attorney, may make application in writing to a disclosure commissioner, judge of probate, register of probate, judge of a municipal court in the county in which the judgment debtor resides, or, if the judgment debtor is a non-resident of this state, in the county in which

he is commorant, or in case of a corporation, in which said corporation has an established place of business, or in which any officer of the corporation, on whom the subpoena is served, resides, stating the amount of the debt and of the costs for which said judgment was rendered, the court and term at which it was rendered, the names of the original parties, the title of the petitioner, and praying for subpoena to issue to the debtor to appear and make disclosure.'

Sec. 3. R. S. c. 124, § 23, as amended, further amended. Section 23 of chapter 124 of the revised statutes, as amended by chapter 194 of the public laws of 1931, is hereby further amended to read as follows:

'Sec. 23. To appear before magistrate within said county in the town in which the debtor resides. Such magistrate shall thereupon issue under his hand and seal a subpoena to the debtor commanding him, or in case the debtor is a corporation commanding an officer thereof to appear before any such disinterested magistrate within said county in the town in which the debtor resides, or the corporation has an established place of business, or in which any officer thereof on whom the subpoena is served, resides, and in case there is no such magistrate in the such town ~~where the debtor resides~~ then in the nearest town thereto in which there is such a magistrate or in the shire town of said county, at a time and place therein named to make full and true disclosure, on oath, of all his the business and property affairs of such debtor. And a judge of any municipal court may hold disclosure court upon a subpoena returnable as aforesaid in any town in which the regular terms of the court of which he is judge are held. The application shall be annexed to the subpoena. Any town in which the regular sessions of the superior court are held, shall be considered a shire town for the purpose of this section. No application or subpoena shall be deemed incorrect for want of form only, or for circumstantial errors or mistakes, when the person and the case can be rightly understood. Such errors and mistakes may be amended on application of either party.'

Sec. 4. R. S. c. 124, § 24. Section 24 of chapter 124 of the revised statutes is hereby amended to read as follows:

'Sec. 24. Service of subpoena. The subpoena may be served by any officer qualified to serve civil process in said county by giving to the debtor or to an officer of a debtor corporation in hand an attested copy of the petition and subpoena, which said service shall be at least 24 hours before the time of said disclosure for every 20 miles' travel from his home or place of abode at the time of service to the place of disclosure.'