

§3134. Failure to appear

1. Issuance of civil order of arrest. If the judgment debtor fails to appear after being duly served with a subpoena under section 3123 or with an order to appear and disclose under Title 19-A, section 2361, and the judgment creditor appears at the time and place named in that subpoena, the creditor may request the court to issue a civil order of arrest. The court shall issue a civil order of arrest upon the written request of the creditor stating that the creditor knows of no infirmity, disability or good cause preventing the appearance of the debtor. The request must contain the address and telephone number where the creditor or the creditor's representative can be reached and the address of the debtor.

[PL 1995, c. 694, Pt. D, §19 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

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

A. The judgment creditor may request the court to issue an order for appearance, and the court shall order the debtor to appear in court at a certain date and time for further disclosure proceedings. This order must be served upon the debtor in hand by the sheriff, who shall obtain from the debtor a personal recognizance bond to appear in court at the specified date and time; or [PL 2013, c. 150, §1 (NEW).]

B. 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 appearance pursuant to paragraph A. [PL 2013, c. 150, §1 (NEW).]

[PL 2015, c. 275, §2 (AMD).]

SECTION HISTORY

PL 1971, c. 408, §1 (NEW). PL 1987, c. 184, §17 (RPR). PL 1987, c. 708, §9 (AMD). PL 1995, c. 419, §9 (AMD). PL 1995, c. 694, §D19 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2013, c. 150, §1 (AMD). PL 2015, c. 275, §2 (AMD).

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