

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1771

H.P. 1293

House of Representatives, December 22, 2003

An Act Regarding Child Support Collection Practices

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator HATCH of Somerset and
Representatives: BLANCHETTE of Bangor, DUDLEY of Portland, HATCH of Skowhegan,
HUTTON of Bowdoinham, NORBERT of Portland, THOMPSON of China, WALCOTT of
Lewiston, Senator: DOUGLASS of Androscoggin.

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

4 **Sec. 1. 19-A MRSA §2109** is enacted to read:

6 **§2109. Limitations on collection of child support**

8 A person who enters into an agreement with another to collect child support is subject to the following limitations.

10 1. **Fee limitation.** A fee for the collection of child support may not be based upon future child support payments, including future child support arrearage. Such a fee may be based upon unpaid past child support arrearage.

14 2. **Collection practices limitations.** A person who enters into an agreement with another to collect child support is subject to the provisions governing debt collectors in Title 32, chapter 109-A, subchapter 2 and Title 32, section 11054.

18 3. **Licensed to practice law.** A person who enters into an agreement with another to collect child support must be licensed to practice law in this State. This subsection does not apply to an employee of the department.

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26 **SUMMARY**

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30 This bill prohibits a person who enters into an agreement with another to collect child support from charging a fee based upon future child support payments, including future child support arrearage. Such a fee may be based upon unpaid past child support arrearage. It also provides that a person who enters into an agreement with another to collect child support is subject to the provisions of the Maine Fair Debt Collection Practices Act governing debt collection activities. Finally, it provides that a person who enters into an agreement with another to collect child support must be licensed to practice law in this State or be an employee of the Department of Human Services.