

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 982

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H.P. 696

House of Representatives, March 12, 2013

### **An Act To Create a Gambling Offset To Enhance the Collection of Child Support**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative GUERIN of Glenburn.  
Cosponsored by Senator VALENTINO of York and  
Representatives: CROCKETT of Bethel, DeCHANT of Bath, MONAGHAN-DERRIG of  
Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, PRIEST of Brunswick,  
VILLA of Harrison, Senator: BURNS of Washington.

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

2 **Sec. 1. 8 MRSA §1066** is enacted to read:

3 **§1066. Interception of slot machine or table game winnings to pay child support**  
4 **debt**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
6 following terms have the following meanings.

7 A. "Child support debt" means child support debt that has been liquidated by judicial  
8 or administrative action.

9 B. "Department" means the Department of Health and Human Services.

10 C. "Registry operator" means the department or an entity with whom the department  
11 enters into a contract to maintain the registry pursuant to subsection 3.

12 D. "Winner" means a slot machine customer or a table game customer to whom cash  
13 is returned as winnings.

14 **2. Interception.** A licensee shall intercept slot machine and table game winnings to  
15 pay child support debt in accordance with this section.

16 **3. Registry.** The department shall create and maintain, or shall contract with a  
17 private entity to create and maintain, a secure, electronically accessible registry  
18 containing information regarding individuals with outstanding child support debt. The  
19 department shall regularly enter into the registry information including:

20 A. The name and social security number of each individual with outstanding child  
21 support debt;

22 B. The account number or identifier assigned by the department to the outstanding  
23 child support debt;

24 C. The amount of the outstanding child support debt; and

25 D. Any other information necessary to effectuate the purposes of this section.

26 **4. Electronic access to information; procedures.** A licensee shall electronically  
27 access the registry in accordance with this subsection.

28 A. Before making a payout of winnings of an amount equal to or greater than the  
29 amount for which the licensee is required to file a Form W-2G or substantially  
30 equivalent form with the United States Internal Revenue Service, the licensee shall  
31 obtain the name, address, date of birth and social security number of the winner and  
32 shall electronically submit this information to the registry operator.

33 B. Upon receipt of information pursuant to paragraph A, the registry operator shall  
34 electronically inform the licensee whether the winner is listed in the registry. If the  
35 winner is listed in the registry, the registry operator shall inform the licensee of the  
36 amount of the winner's outstanding child support debt and the account number or  
37 identifier assigned to the outstanding child support debt and shall provide the licensee

1 with a notice of withholding that informs the winner of the right to an administrative  
2 hearing.

3 C. If the registry operator informs the licensee that the winner is not listed in the  
4 registry or if the licensee is unable to obtain information from the registry operator  
5 after attempting in good faith to do so, the licensee may make payment to the winner.

6 D. If the registry operator informs the licensee that the winner is listed in the  
7 registry, the licensee may not make payment to the winner unless the amount of the  
8 payout exceeds the amount of outstanding child support debt, in which case the  
9 licensee may make payment to the winner of the amount of winnings that is in excess  
10 of the amount of the winner's outstanding child support debt.

11 **5. Lien against winnings.** If the registry operator informs a licensee pursuant to this  
12 section that a winner is listed in the registry, the department has a valid lien upon and  
13 claim of lien against the winnings in the amount of the winner's outstanding child support  
14 debt.

15 **6. Withholding of winnings.** The licensee shall withhold from any winnings an  
16 amount equal to the amount of the lien created under subsection 5 and shall provide a  
17 notice of withholding to the winner. Within 24 hours after withholding an amount  
18 pursuant to this subsection, the licensee shall transmit the amount withheld to the  
19 department together with a report of the name, address and social security number of the  
20 winner, the account number or identifier assigned to the debt, the amount withheld, the  
21 date of withholding and the name and location of the licensee.

22 **7. Licensee costs.** Notwithstanding subsection 6, the licensee may retain \$10 from  
23 an amount withheld pursuant to this section to cover the cost of the licensee's compliance  
24 with this section.

25 **8. Administrative hearing.** A winner from whom an amount was withheld pursuant  
26 to this section has the right, within 15 days of receipt of the notice of withholding, to  
27 request from the department an administrative hearing. The hearing is limited to  
28 questions of whether the debt is liquidated and whether any postliquidation events have  
29 affected the winner's liability. The administrative hearing decision constitutes final  
30 agency action.

31 **9. Authorization to provide information.** Notwithstanding any other provision of  
32 law to the contrary, the licensee may provide to the department or registry operator any  
33 information necessary to effectuate the intent of this section. The department or registry  
34 operator may provide to the licensee any information necessary to effectuate the intent of  
35 this section.

36 **10. Confidentiality of information.** Information obtained by the department or  
37 registry operator from a licensee pursuant to this section and information obtained by the  
38 licensee from the department or registry operator pursuant to this section remain  
39 confidential and may only be used for the purposes set forth in this section. An employee  
40 or prior employee of the department or registry operator or an employee or prior  
41 employee of a licensee who unlawfully discloses any such information is subject to the  
42 penalties specified by law for unauthorized disclosure of confidential information.

