

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1490

H.P. 1092

House of Representatives, April 4, 2019

**An Act To Enhance Tribal-State Collaboration in the Enforcement
of Child Support**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Representative: NEWELL of the Passamaquoddy Tribe.

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

2 **Sec. 1. 19-A MRSA §2201**, as amended by PL 2009, c. 158, §§1 to 3 and c. 290,
3 §22, is further amended to read:

4 **§2201. Notice to licensing boards and obligor; judicial review**

5 **1. Notice.** The department, or the child support agency of a federally recognized
6 Indian tribe, may serve notice upon a support obligor who is not in compliance with an
7 order of support that informs the obligor of the ~~department's~~ intention of the department,
8 or the child support agency of a federally recognized Indian tribe, to submit the obligor's
9 name to the appropriate board as a licensee who is not in compliance with an order of
10 support. The notice must inform the obligor that:

11 A. The obligor may request an administrative hearing to contest the issue of
12 compliance;

13 B. A request for hearing must be made in writing and must be received by the
14 department, or the child support agency of a federally recognized Indian tribe, within
15 20 days of service;

16 C. If the obligor requests a hearing within 20 days of service, the department, or the
17 child support agency of a federally recognized Indian tribe, shall stay the action to
18 certify the obligor to a board for noncompliance with an order of support pending a
19 decision after hearing;

20 D. If the obligor does not request a hearing within 20 days of service and is not in
21 compliance with an order of support, the department, or the child support agency of a
22 federally recognized Indian tribe, shall certify the obligor to the appropriate board for
23 noncompliance with an order of support;

24 E. If the department, or the child support agency of a federally recognized Indian
25 tribe, certifies the obligor to a board for noncompliance with an order of support, the
26 board must revoke the obligor's license and refuse to issue or reissue a license until
27 the obligor provides the board with a written confirmation of compliance from the
28 department, or the child support agency of a federally recognized Indian tribe, that
29 states the obligor is in compliance with the obligor's order of support. A revocation
30 by an agency or a refusal by an agency to reissue, renew or otherwise extend the
31 license or certificate of authority is deemed a final determination within the meaning
32 of Title 5, section 10002; and

33 G. The obligor can comply with an order of support by:

34 (1) Paying current support;

35 (2) Paying all past-due support or, if unable to pay all past-due support and a
36 periodic payment for past-due support has not been ordered by the court, by
37 making periodic payments in accordance with a written payment agreement with
38 the department, or the child support agency of a federally recognized Indian tribe;
39 and

40 (3) Meeting the obligor's health insurance obligation.

1 The notice must include the address and telephone number of the department's support
2 enforcement office, or of the child support agency of a federally recognized Indian tribe,
3 that issues the notice and a statement of the need to obtain a written confirmation of
4 compliance from that office as provided in subsection 8. The department, or the child
5 support agency of a federally recognized Indian tribe, shall attach a copy of the obligor's
6 order of support to the notice. Service of the notice must be made in the manner provided
7 for service of summons by the Maine Rules of Civil Procedure, Rule 4. For purposes of
8 this subsection, this must be deemed to be an action pursuant to Chapter XIII of the
9 Maine Rules of Civil Procedure. Personal service within the State of the notice described
10 in this subsection may be made by an authorized representative of the commissioner or of
11 the child support agency of a federally recognized Indian tribe.

12 **1-A. Written agreement to pay past-due support.** An obligor who is presently
13 unable to pay all past-due support may come into compliance with the support order by
14 executing a written payment agreement with the department, or the child support agency
15 of a federally recognized Indian tribe, and by complying with that agreement. A
16 condition of a written payment agreement must be that the obligor pay the current child
17 support when due. Before a written payment agreement is executed, the obligor shall:

18 A. Disclose fully to the department, or the child support agency of a federally
19 recognized Indian tribe, in writing on a form prescribed by the department, or the
20 child support agency of a federally recognized Indian tribe, the obligor's financial
21 circumstances, including income from all sources, assets, liabilities and work history
22 for the past year; and

23 B. Provide documentation to the department, or the child support agency of a
24 federally recognized Indian tribe, concerning the obligor's financial circumstances,
25 including copies of the most recent state and federal income tax returns, both
26 personal and business, a copy of a recent pay stub representative of current income
27 and copies of other records that show the obligor's income and the present value of
28 assets held by the obligor.

29 After full disclosure, the department, or the child support agency of a federally
30 recognized Indian tribe, shall determine the obligor's ability to pay past-due support and
31 request the obligor to execute a written payment agreement consistent with the obligor's
32 ability to pay, not to exceed the limits on income withholding in section 2356.

33 **1-B. Failure to comply with written agreement.** Failure to comply with a written
34 payment agreement is grounds for license revocation unless the obligor notifies the
35 department, or the child support agency of a federally recognized Indian tribe, that the
36 obligor is unable to comply with the agreement and provides the department, or the child
37 support agency of a federally recognized Indian tribe, with evidence of the obligor's
38 current financial circumstances to support the claim. The consequences of failing to
39 comply with a written payment agreement and the requirements to avoid license
40 revocation, if the obligor can not comply with the agreement, must be stated in the
41 agreement. If the obligor claims inability to comply with a written payment agreement,
42 the department, or the child support agency of a federally recognized Indian tribe, upon
43 motion to the ~~District Court~~ district court with jurisdiction, may request the court to
44 determine the obligor's ability to pay past-due support. After notice and an opportunity
45 for hearing, the court may make a finding of money due, render judgment in that amount

1 and order any relief provided under sections 2603 and 2603-A. For purposes of this
2 subsection, the commissioner may designate employees of the department, or the child
3 support agency of a federally recognized Indian tribe may designate employees of the
4 agency, who are not attorneys to represent the department or the agency in District Court
5 district court. The commissioner shall ensure that appropriate training is provided to all
6 employees designated to represent the department, and the child support agency of a
7 federally recognized Indian tribe shall ensure appropriate training of employees
8 designated to represent the agency, under this subsection.

9 **2. Administrative hearing.** An obligor may request an administrative hearing upon
10 service of the notice described in subsection 1. The request for hearing must be made in
11 writing and must be received by the department, or the child support agency of a federally
12 recognized Indian tribe, within 20 days of service. The department, or the child support
13 agency of a federally recognized Indian tribe, shall conduct hearings under this
14 subsection in accordance with the requirements of Title 5, chapter 375, subchapter ~~IV~~ 4.
15 The issues that may be determined at hearing are limited to whether the obligor is
16 required to pay child support under an order of support and whether the obligor is in
17 compliance with an order of support. The obligor may raise additional issues, including
18 the reasonableness of a payment agreement in light of the obligor's current circumstances,
19 to be preserved for appeal.

20 **3. Decision after hearing.** The department, or the child support agency of a
21 federally recognized Indian tribe, shall render a decision after hearing without undue
22 delay as to whether the obligor is in compliance with the obligor's order of support. The
23 decision must be based on the hearing record and rules adopted by the commissioner.
24 The decision must inform the obligor that the obligor may file a petition for judicial
25 review of the decision within 30 days of the date of the decision. The department, or the
26 child support agency of a federally recognized Indian tribe, shall send an attested copy of
27 the decision to the obligor by regular mail to the obligor's most recent address of record.

28 **4. Appeal to Superior Court.** If the obligor appeals the ~~department's~~ decision of the
29 department, or of the child support agency of a federally recognized Indian tribe, under
30 subsection 3, the Superior Court may hear and determine issues raised at the hearing,
31 including the reasonableness of a payment agreement in light of the obligor's current
32 circumstances.

33 **5. Stay.** If an obligor timely requests a hearing to contest the issue of compliance,
34 the department, or the child support agency of a federally recognized Indian tribe, may
35 not certify the name of the obligor to a board for noncompliance with an order of support
36 until the department or agency issues a decision after hearing that finds the obligor is not
37 in compliance with an order of support.

38 **6. Certification of noncompliance.** The department, or the child support agency of
39 a federally recognized Indian tribe, may certify in writing to the appropriate board that a
40 support obligor is not in compliance with an order of support if:

41 A. The obligor does not timely request a hearing upon service of a notice issued
42 under subsection 1 and is not in compliance with an order of support 21 days after
43 service of the notice;

1 B. The department, or the child support agency of a federally recognized Indian
2 tribe, issues a decision after a hearing that finds the obligor is not in compliance with
3 an order of support and the obligor has not appealed the decision within the 30-day
4 appeal period provided in subsection 3;

5 C. The court enters a judgment on a petition for judicial review that finds the obligor
6 is not in compliance with a support order;

7 D. The obligor abandons a timely request for a hearing on the ~~department's~~ notice of
8 noncompliance of the department, or of the child support agency of a federally
9 recognized Indian tribe, and is not in compliance with the support order; or

10 E. The obligor fails to comply with a written payment agreement, does not notify the
11 department, or the child support agency of a federally recognized Indian tribe, that
12 the obligor is unable to comply with the agreement and does not provide the
13 department, or the child support agency of a federally recognized Indian tribe, with
14 evidence of the obligor's current financial circumstances.

15 The department, or the child support agency of a federally recognized Indian tribe, shall
16 send by regular mail a copy of a certification of noncompliance filed with a board to the
17 obligor at the obligor's most recent address of record.

18 **7. Notice from board.** A board shall notify an obligor certified by the department,
19 or the child support agency of a federally recognized Indian tribe, under subsection 6,
20 without undue delay, that the obligor's application for the issuance or renewal of a license
21 may not be granted or that the obligor's license has been revoked because the obligor's
22 name has been certified by the department, or the child support agency of a federally
23 recognized Indian tribe, as a support obligor who is not in compliance with an order of
24 support.

25 **8. Written confirmation of compliance.** When an obligor who is served notice
26 under subsection 1 subsequently complies with the official order of support, the
27 department, or the child support agency of a federally recognized Indian tribe, shall
28 provide the obligor with written confirmation that the obligor is in compliance with the
29 order of support.

30 **9. Rules.** The department shall adopt rules to implement and enforce the
31 requirements of this section.

32 **10. Agreements.** The department, or the child support agency of a federally
33 recognized Indian tribe, and the various boards shall enter into agreements that are
34 necessary to carry out the requirements of this section, but only to the extent the
35 department determines it is cost-effective.

36 **11. Motion to modify order of support; stay.** This section does not prohibit a
37 support obligor from filing a motion to modify support with the court or from requesting
38 the department, or the child support agency of a federally recognized Indian tribe, to
39 amend a support obligation established by an administrative decision.

40 **12. Reporting.** On or before April 1, 1994, or as soon as economically feasible and
41 at least annually, all boards subject to this section and the Department of Professional and

1 Financial Regulation, Division of Administrative Services shall provide to the department
2 and the child support agency of a federally recognized Indian tribe specified information,
3 on magnetic tape or other machine-readable form, according to standards established by
4 the department, about applicants for licensure and all current licensees. The Department
5 of Professional and Financial Regulation, Office of Securities shall provide the specified
6 information for only those current licensees that are residents of this State. The
7 information to be provided must include all of the following information about the
8 licensee:

- 9 A. Name;
- 10 B. Address of record;
- 11 C. Federal employer identification number or social security number;
- 12 D. Type of license;
- 13 E. Effective date of license or renewal;
- 14 F. Expiration date of license; and
- 15 G. Active or inactive status.

16 **12-A. Commissioner of Inland Fisheries and Wildlife report.** The Commissioner
17 of Inland Fisheries and Wildlife shall provide annually to the department and the child
18 support agency of a federally recognized Indian tribe on magnetic tape or other machine-
19 readable form, according to standards established by the department, watercraft,
20 snowmobile and ATV registration information concerning obligors who are residents of
21 this State. The information to be provided must include all of the following information
22 about the registrant:

- 23 A. Name;
- 24 B. Address of record;
- 25 C. Make, model and identification number for each watercraft registered under Title
26 12, section 13052; each snowmobile registered under Title 12, section 13104; and
27 each ATV registered under Title 12, section 13155;
- 28 D. Type of registration;
- 29 E. Effective date of registration or registration renewal; and
- 30 F. Expiration of registration.

31 **13. Effect of noncompliance.** The department, or the child support agency of a
32 federally recognized Indian tribe, upon receipt of the licensee information referred to in
33 subsection 12 and registration information referred to in subsection 12-A, shall identify
34 and notify each board and the Department of Professional and Financial Regulation,
35 Division of Administrative Services, of the names of their licensees and registrants who
36 are support obligors subject to this section. The notice must include the social security
37 number and address of the support obligor, the name, address and telephone number of
38 the ~~department's~~ designee of the department, or of the child support agency of a federally
39 recognized Indian tribe, for implementing this section and a certification by the
40 department that it has verified that the licensee or registrant is a support obligor subject to

1 this section. When the department, or the child support agency of a federally recognized
2 Indian tribe, notifies a board under this subsection, the department, or the child support
3 agency of a federally recognized Indian tribe, shall provide adequate notice of its action
4 to the obligor. The notice must inform the obligor of the right to request a hearing on the
5 issue of whether the obligor is in compliance with an order of support. The board may
6 not issue or renew a license or registration to a person whose name is on the most recent
7 list from the department, or the child support agency of a federally recognized Indian
8 tribe, until the board receives a copy of the written confirmation of compliance specified
9 in subsection 8.

10 **14. Subsequent reissuance, renewal or other extension of license or certificate.**

11 The board may reissue, renew or otherwise extend the license or certificate of authority in
12 accordance with the board's rules after the board receives a copy of the written
13 confirmation of compliance specified in subsection 8. A board may waive any applicable
14 requirement for reissuance, renewal or other extension if it determines that the imposition
15 of that requirement places an undue burden on the person and that waiver of the
16 requirement is consistent with the public interest.

17 **15. Program review.** In furtherance of the public policy of increasing collection of
18 child support, the department shall report the following to the Legislature and the
19 Governor on January 31, 1999 and biennially thereafter:

20 A. The number of support obligors identified as licensees subject to this section;

21 B. The number of support obligors identified by the department under this section
22 who are not in compliance with a support order; and

23 C. The number of actions taken by the department under this section and the results
24 of those actions.

25 **Sec. 2. 19-A MRS §2203**, as amended by PL 2015, c. 212, §2, is further
26 amended to read:

27 **§2203. Order to seize and sell**

28 **1. Execution of support liens.** The department, or the child support agency of a
29 federally recognized Indian tribe, may issue an order to seize and sell to execute a support
30 lien established under former Title 19, section 503 or 503-A or section 2357 or to enforce
31 and collect any money judgment assessed under chapter 51, chapter 53, chapter 55,
32 chapter 63 or this chapter. An order to seize and sell has the same effect as a writ of
33 execution issued by the District Court or the Superior Court.

34 **2. Issuance of order.** An order to seize and sell is an order, under official seal of the
35 department, or the child support agency of a federally recognized Indian tribe, directed to
36 a county sheriff or a levying officer authorized by law to enforce a District Court or
37 Superior Court judgment or a judgment of a court of a federally recognized Indian tribe.
38 The order must command the recipient of the order to seize and sell specific nonexempt
39 real and personal property of an obligor to satisfy the support lien upon which the order is
40 based. The department, or the child support agency of a federally recognized Indian
41 tribe, must know or have reason to believe the obligor has a substantial ownership interest

1 in the property identified in the order. Before issuing the order, the department, or the
2 child support agency of a federally recognized Indian tribe, must search the records of the
3 applicable registry of deeds for real property and the records of the Secretary of State for
4 personal property to determine if there are other persons who have an ownership interest
5 in the property.

6 **3. Content of order.** An order to seize and sell must be signed by the commissioner
7 or the commissioner's designee, or by the designee of the child support agency of a
8 federally recognized Indian tribe. The order must be for the amount of the support lien or
9 the amount of any other money obligation determined under this chapter, plus fees and
10 costs, if any. The order must identify the specific property that is the subject of the order.
11 The order must include notice that tells the obligor and other persons who are known to
12 have an ownership interest in the property how to contest the seizure and sale of the
13 property, including notice of the right to an administrative hearing within 5 business days.
14 The order must list the type and value of property that is exempt as provided in
15 subsection 15.

16 **4. Order limited.** The county sheriff or levying officer may not seize property not
17 specifically identified in the order.

18 **5. Sheriff or levying officer.** An order to seize and sell may be sent by the
19 department, or the child support agency of a federally recognized Indian tribe, to a county
20 sheriff or levying officer. Upon receipt of the order, the sheriff or levying officer shall
21 proceed to execute the order in the same manner as prescribed for execution of a
22 judgment. A sheriff or levying officer shall return the order, along with any funds
23 collected, to the department, or the child support agency of a federally recognized Indian
24 tribe, within 90 days of the receipt of the order. Funds resulting from execution of the
25 order must first be applied to the sheriff's or levying officer's costs, then to any superior
26 liens and then to the support lien or other money obligation and any inferior liens of
27 which the department has notice. Any amounts in excess of this distribution must be paid
28 to the obligor. If the order is returned not fully satisfied, the department, or the child
29 support agency of a federally recognized Indian tribe, has the same remedies to collect
30 the deficiency as are available for any civil judgment.

31 **6. Right to hearing.** At least 20 calendar days before the sale, the department, or the
32 child support agency of a federally recognized Indian tribe, shall serve a copy of the order
33 on the obligor and all other persons that the department, or the child support agency of a
34 federally recognized Indian tribe, knows have an ownership interest in the property
35 identified in the order. Service of an order under this subsection must be made in the
36 manner provided for service of summons by the Maine Rules of Civil Procedure, Rule 4.
37 For purposes of this subsection, this service must be deemed to be an action pursuant to
38 Chapter XIII of the Maine Rules of Civil Procedure. Personal service within the State of
39 a copy of the order may be made by an authorized representative of the commissioner.
40 The obligor and any other persons who claim an ownership interest in the property seized
41 under an order to seize and sell have a right to an administrative hearing to contest the
42 seizure and sale of the property and to establish the value of their relative interest in the
43 property. A request for a hearing must be in writing and must be received by the
44 department, or the child support agency of a federally recognized Indian tribe, within 10

1 calendar days of service of a copy of the order. Upon receiving a request for a hearing,
2 the department, or the child support agency of a federally recognized Indian tribe, shall
3 notify all persons who the department, or the child support agency of a federally
4 recognized Indian tribe, has reason to believe have an ownership interest in the property
5 of the time, place and nature of the hearing.

6 A. Anyone requesting a hearing has the right to a preliminary hearing within 5
7 business days of the hearing request. At the preliminary hearing, if the hearing
8 officer determines that there is reasonable ground to believe the seizure was lawful
9 and that the obligor owes a support debt that could be satisfied in whole or in part by
10 nonexempt property that has been seized, the hearing officer shall require the seizure
11 to remain in force and schedule a final hearing, allowing all parties reasonable time to
12 collect evidence and prepare for the final hearing. If the hearing officer determines
13 that the seizure was not lawful or that the obligor does not owe a support debt that
14 could be satisfied in whole or in part by nonexempt property that has been seized, the
15 hearing officer shall declare the order to seize and sell void.

16 B. The department, or the child support agency of a federally recognized Indian
17 tribe, shall notify any person who the department, or the child support agency of a
18 federally recognized Indian tribe, has reason to believe has an ownership interest in
19 the seized property of the time and place of the final hearing. At the final hearing, the
20 hearing officer shall determine:

- 21 (1) Whether the obligor owes a support debt;
- 22 (2) Whether the support debt could be satisfied in whole or in part by the
23 property seized;
- 24 (3) The percentage share of ownership of all persons claiming an ownership
25 interest in the property;
- 26 (4) The amount of the debtor's interest in the property that is exempt; and
- 27 (5) The value of the interest in the property owned by nonobligor parties with an
28 interest superior to that of the department, or the child support agency of a
29 federally recognized Indian tribe.

30 **7. Commercially reasonable sale.** The sheriff or levying officer may sell the
31 property seized as a unit or in parcels and at any time and place and on any terms not
32 otherwise prohibited by this section, but every aspect of the disposition including the
33 method, manner, time, place and terms must be commercially reasonable. The property
34 may not be sold for less than the debtor's interest in the property that is exempt. The
35 property may not be sold for less than the full value of the interest in the property owned
36 by the nonobligor parties with an interest superior to that of the department, or of the
37 child support agency of a federally recognized Indian tribe. The department, or the child
38 support agency of a federally recognized Indian tribe, reserves the right to reject any and
39 all bids.

40 **8. Notice of sale.** Within 30 days of receiving notice of a sale from the county
41 sheriff or levying officer, the department, or the child support agency of a federally
42 recognized Indian tribe, shall send by regular mail an accounting and proposed
43 distribution of the net proceeds of the sale to the obligor, all joint owners of the property

1 sold and any known lienholders with an interest in the property. The accounting and
2 proposed distribution must include notice of the right to challenge the proposed
3 distribution at an administrative hearing within 30 days. The department, or the child
4 support agency of a federally recognized Indian tribe, may not distribute the proceeds of
5 the sale until the appeal period has run and all appeals have been decided.

6 **9. Release.** Upon receiving payment in full of the order amount plus fees and costs,
7 if any, the department, or the child support agency of a federally recognized Indian tribe,
8 shall release the order to seize and sell. Upon receiving partial payment of the order
9 amount or if the department, or the child support agency of a federally recognized Indian
10 tribe, determines that a release or partial release of the order will facilitate the collection
11 of the unpaid amount, fees and costs, the department, or the child support agency of a
12 federally recognized Indian tribe, may release or may partially release the order to seize
13 and sell. The department, or the child support agency of a federally recognized Indian
14 tribe, shall release the order if it determines the order is unenforceable.

15 **10. Right to redeem.** An obligor or other person or entity having an interest in real
16 or personal property seized under an order to seize and sell at any time prior to the sale of
17 the property may pay the amount of the support lien or other money obligation and any
18 costs incurred by the county sheriff or levying officer serving the order. Upon payment
19 in full, the property must be restored to the obligor or other person or entity having an
20 interest in that property and all proceedings on the order must cease.

21 **11. Right to redeem after sale.** An obligor or other person or entity having an
22 interest in real property seized and sold by a county sheriff or levying officer pursuant to
23 an order to seize and sell may, within 240 days after the sale of the property, redeem the
24 property by making payment to the purchaser in the amount paid by the purchaser, plus
25 interest at the statutory interest rate payable on judgments recovered in the District Court
26 and the Superior Court.

27 **12. Release not a bar to other action.** At any time after seizure and sale of
28 property under an order to seize and sell, the department, or the child support agency of a
29 federally recognized Indian tribe, may release all or part of the seized property without
30 liability if payment of the support lien or other money obligation is ensured or if the
31 release will facilitate collection of the support lien or money obligation. The release or
32 return of the property does not prevent future action to collect the order amount from that
33 property or other property.

34 **13. Statute of limitations.** The department, or the child support agency of a
35 federally recognized Indian tribe, may issue an order to seize and sell to collect a support
36 lien or other money obligation under chapter 51, chapter 53, chapter 55, chapter 63 or this
37 chapter at any time within the statutory limitation period for enforcing and collecting
38 child support amounts.

39 **14. Additional remedies.** The use of an order to seize and sell is not exclusive and
40 the department, or the child support agency of a federally recognized Indian tribe, may
41 use any other remedy provided by law for the collection of child support.

1 **15. Exempt property.** The following property is exempt from seizure and sale,
2 except to the extent that it has been fraudulently conveyed by the obligor:

3 A. The obligor's aggregate interest, not to exceed \$47,500 in value, in real or
4 personal property that the obligor uses as a residence;

5 B. The obligor's interest, not to exceed \$5,000 in value, in one motor vehicle;

6 C. The obligor's interest, not to exceed \$200 in value in any particular item, in
7 household furnishings, household goods, wearing apparel, appliances, books,
8 animals, crops or musical instruments that are held primarily for the personal, family
9 or household use of the obligor or a dependent of the obligor;

10 D. The obligor's aggregate interest, not to exceed \$5,000 in value, in any
11 implements, professional books or tools of the trade of the obligor or the trade of a
12 dependent of the obligor, including, but not limited to, power tools, materials and
13 stock designed and procured by the obligor and necessary for carrying on the
14 obligor's trade or business and intended to be used or wrought in that trade or
15 business;

16 E. The obligor's interest in the following items held primarily for the personal,
17 family or household use of the obligor or a dependent of the obligor:

18 (1) One cooking stove;

19 (2) All furnaces or stoves used for heating; and

20 (3) All cooking and heating fuel not to exceed 10 cords of wood, 5 tons of coal
21 or 1,000 gallons of petroleum products or the equivalent amount of another type
22 of fuel;

23 F. The obligor's interest in the following items held primarily for the personal, family
24 or household use of the obligor or a dependent of the obligor:

25 (1) All food provisions, whether raised or purchased, reasonably necessary for 6
26 months;

27 (2) All seeds, fertilizers, feed and other material reasonably necessary to raise
28 and harvest food through one growing season; and

29 (3) All tools and equipment reasonably necessary for raising and harvesting
30 food;

31 G. The obligor's interest in one of every type of farm implement reasonably
32 necessary for the obligor to raise and harvest agricultural products commercially,
33 including any personal property incidental to the maintenance and operation of the
34 farm implements;

35 H. The obligor's interest in one boat, not exceeding 5 tons burden, used by the debtor
36 primarily for commercial fishing; and

37 I. Professionally prescribed health aids for the obligor or a dependent of the obligor.

38 **Sec. 3. 19-A MRSA §2357, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2 and
39 affected by Pt. E, §2, is amended to read:

1 **1. Judgment.** Twenty-one days after receipt by a responsible parent of a notice of
2 debt under section 2352 or 30 days after the date of mailing to the responsible parent of a
3 decision of the department, or the child support agency of a federally recognized Indian
4 tribe, that requires the responsible parent to pay child support, the amount stated in the
5 notice of debt or in the decision is a judgment in favor of the department, or the child
6 support agency of a federally recognized Indian tribe, the obligee, or both. The judgment
7 is a lien against all property of the responsible parent. The lien is separate from and in
8 addition to a lien filed under this section.

9 **Sec. 4. 19-A MRSA §2357, sub-§5**, as enacted by PL 1997, c. 407, §1 and
10 affected by §5, is amended to read:

11 **5. Notice and hearing prior to disposition.** When the department, or the child
12 support agency of a federally recognized Indian tribe, is provided with reliable
13 information that another person, in addition to the responsible parent, has an ownership
14 interest in the property of the responsible parent subject to a support lien, the department,
15 or the child support agency of a federally recognized Indian tribe, shall provide written
16 notice to the other person before the foreclosure or other disposition of the property
17 explaining that:

18 A. The department, or the child support agency of a federally recognized Indian
19 tribe, has a support lien against the property; and

20 B. The person may request a hearing to establish the value of that person's interest in
21 the property before the foreclosure or other disposition of the property.

22 **Sec. 5. 19-A MRSA §2358, first ¶**, as enacted by PL 1995, c. 694, Pt. B, §2 and
23 affected by Pt. E, §2, is amended to read:

24 The commissioner, or the child support agency of a federally recognized Indian tribe,
25 shall proceed as follows with respect to any order to withhold and deliver.

26 **Sec. 6. 19-A MRSA §2358, sub-§1**, as enacted by PL 1995, c. 694, Pt. B, §2 and
27 affected by Pt. E, §2, is further amended to read:

28 **1. Service of order.** The commissioner, or the child support agency of a federally
29 recognized Indian tribe, may serve on any person an order to withhold and deliver any
30 property, including wages, that is due or belongs to the responsible parent when:

31 A. A lien has been filed pursuant to former Title 19, section 503 or 503-A or section
32 2357; or

33 B. Twenty-one days have elapsed from the date of receipt of a notice of debt under
34 section 2352 or 30 days after the date of mailing to a responsible parent of a decision
35 of the department, or the child support agency of a federally recognized Indian tribe,
36 that requires the responsible parent to pay child support.

37 **Sec. 7. 19-A MRSA §2358, sub-§2**, as repealed and replaced by PL 1997, c. 466,
38 §22 and affected by §28, is amended to read:

1 **2. Notice to responsible parent.** When an order is issued, the department, or the
2 child support agency of a federally recognized Indian tribe, shall send a copy of the order
3 to the responsible parent by regular mail at the responsible parent's last known address.

4 **Sec. 8. 19-A MRSA §2358, sub-§8**, as enacted by PL 1995, c. 694, Pt. B, §2 and
5 affected by Pt. E, §2, is amended to read:

6 **8. Effect of honoring order.** A person who honors an order to withhold and deliver
7 is discharged from any liability or obligation to the responsible parent for that property.
8 The department, or the child support agency of a federally recognized Indian tribe,
9 warrants that it will defend and hold harmless any such persons for honoring the order.

10 **Sec. 9. 19-A MRSA §2360**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected
11 by Pt. E, §2, is amended to read:

12 **§2360. Setoff of debts against lottery winnings**

13 **1. Notice to Bureau of Alcoholic Beverages and Lottery Operations.** The
14 department, or the child support agency of a federally recognized Indian tribe, shall
15 periodically notify the Department of Administrative and Financial Services, Bureau of
16 Alcoholic Beverages and Lottery Operations, referred to in this section as the "bureau," of
17 all persons who owe the department, or the child support agency of a federally recognized
18 Indian tribe, a child support debt that has been liquidated by judicial or administrative
19 action. Prior to paying any state lottery winnings that must be paid directly by the
20 bureau, the bureau shall determine whether the lottery winner is on the list of persons
21 who owe a child support debt to the State, or to the child support agency of a federally
22 recognized Indian tribe, that has been liquidated by judicial or administrative action. If
23 the winner is on a list of persons who owe child support debts, the bureau shall suspend
24 payment of winnings and notify the winner of its intention to offset the winner's child
25 support debt against the winnings. The bureau shall notify the winner of the winner's
26 right to request a hearing before the department within 15 days of the winner's receipt of
27 that notice. The hearing is limited to the questions of whether the debt is liquidated and
28 whether post-liquidation events have affected the winner's liability. The decision of the
29 department, or the child support agency of a federally recognized Indian tribe, as to the
30 existence of a liquidated debt constitutes final agency action. If, within 90 days of the
31 notice of intended setoff to the winner, the department, or the child support agency of a
32 federally recognized Indian tribe, certifies to the bureau that the winner did not make a
33 timely request for hearing or that a hearing was held and the debt was upheld, the bureau
34 shall offset the liquidated debt against the winnings due to the winner. Any remaining
35 winnings are paid to the winner. If the bureau does not hear from the department, or the
36 child support agency of a federally recognized Indian tribe, within 90 days of the notice
37 of intended setoff to the winner, the bureau shall release all winnings to the winner.

38 **2. Notice to Tri-state Lotto Commission.** The department, or the child support
39 agency of a federally recognized Indian tribe, shall periodically notify the Tri-state Lotto
40 Commission of all persons who owe the department, or the child support agency of a
41 federally recognized Indian tribe, a child support debt that has been liquidated by judicial
42 or administrative action.

