

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1609

H.P. 1161

House of Representatives, April 23, 2019

**An Act To Set Off Court Fines, Surcharges and Assessments against
Lottery Winnings**

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.
Cosponsored by Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 8 MRSA §378-A** is enacted to read:

3 **§378-A. Setoff of claims against lottery winnings; priority**

4 If the bureau is required under state law or court order to set off a person's lottery
5 winnings against a claim of an amount due and more than one claim is made against the
6 lottery winnings, the bureau shall set off against the winnings as many claims as possible
7 in the following order of priority:

8 **1. Liquidated child support debts.** Liquidated child support debts owed to or
9 through the Department of Health and Human Services pursuant to Title 19-A, section
10 2360;

11 **2. Liquidated tax liabilities.** Liquidated tax liabilities pursuant to Title 36, section
12 185, subsection 3;

13 **3. Unemployment compensation debt.** Unemployment compensation debt
14 pursuant to Title 26, section 1051, subsection 8;

15 **4. Court-ordered restitution obligations.** Court-ordered restitution obligations
16 when the amounts due are identified by a district attorney's office;

17 **5. Fines, surcharges and assessments owed to State.** Fines, surcharges and
18 assessments imposed by any of the courts and owed to the State pursuant to Title 14,
19 section 3141-A; and

20 **6. All other claims.** All other claims in the order of their receipt.

21 **Sec. 2. 14 MRSA §3141-A** is enacted to read:

22 **§3141-A. Setoff of fines against lottery winnings**

23 The State Court Administrator appointed pursuant to Title 4, section 15 shall
24 periodically notify the Department of Administrative and Financial Services, Bureau of
25 Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the
26 bureau," of all persons who owe a monetary fine, surcharge or assessment imposed by a
27 court to the State under this Title. Prior to paying any lottery winnings that must be paid
28 directly by the bureau, the bureau shall determine whether the lottery winner is on the list
29 of persons who owe a monetary fine, surcharge or assessment imposed by a court to the
30 State under this Title. If the winner is on the list of persons who owe a monetary fine,
31 surcharge or assessment imposed by a court, the bureau shall suspend payment of the
32 winnings and provide notice to the winner of its intention to set off the winnings against
33 the monetary fine, surcharge or assessment owed. The bureau shall provide the winnings
34 due to the winner to the State Court Administrator in payment of any monetary fine,
35 surcharge or assessment owed by the winner under this Title. The bureau shall release
36 any remaining winnings in accordance with state law.

SUMMARY

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This bill requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to set off lottery winnings against monetary fines, surcharges and assessments imposed by a court of the State. The bill also establishes an order of priority the bureau must follow if there is more than one claim to the lottery winnings pursuant to state law or court order.