

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1929

H. P. 1873

The Office of the Clerk of the House

The Committee on Judiciary suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Silsby of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Ensure that Agreements Entered into by State Agencies do not Conflict with State Court Orders or Decrees.

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

5 MRSA § 48 is enacted to read:

§ 48. State agency agreement not to conflict with court decree

No state agency, as defined in section 8002, subsection 2, shall enter into or attempt to enforce any agreement whose terms conflict with the terms of any effective decree or order of a court of this State.

STATEMENT OF FACT

This bill provides that no executive state agency shall enter into or attempt to enforce any agreement whose terms conflict with the terms of any effective decree or order of a court of this State.

There have been instances where a Maine judge has issued an order in a divorce requiring a husband to pay child support to his ex-wife for the benefit of his minor children. The same wife, becoming eligible for AFDC, has assigned her rights to the child support to a state agency, which has in turn made an agreement with the husband concerning the amount of child support which differs from the original decree of the Maine judge. This conflict between a court and an administrative agency should not exist, and this bill will ensure that it does not.