

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 705

6  
7 H.P. 554

House of Representatives, February 10, 1983

8 On Motion of Representative Hobbins of Saco referred to the Committee  
9 on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Holloway of Edgecomb.  
Cosponsor: Representative Soule of Westport.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Provide Equity for Former  
18 Military Wives.  
19

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

22 19 MRSA §774-A is enacted to read:

23 §774-A. Garnishment of military retirement pay

24 Spouses and ex-spouses of retired military per-  
25 sonnel may garnish by order of the court up to 50% of  
26 the retired pay to satisfy child support orders and  
27 alimony orders. This section shall apply regardless  
28 of the date of the child support order or alimony  
29 order or the residence of the spouse or ex-spouse.

1 STATEMENT OF FACT

2 This bill assists former military spouses, or  
3 spouses separated from their military husband or  
4 wife, in enforcing court orders for payment of child  
5 support and alimony. The bill permits garnishment of  
6 military retirement pay for these purposes only upon  
7 a court order which gives the person whose retirement  
8 pay is to be garnished a notice and an opportunity  
9 for a hearing.

10 The provisions of this bill comply with federal  
11 law concerning garnishment of military income. The  
12 garnishment tool is necessary because, under federal  
13 law, anticipated retirement pay cannot be property in  
14 which both spouses have an interest to be attributed  
15 to them at the time of divorce. Once military  
16 retirement pay is being received, it should be  
17 directly reachable by a spouse or ex-spouse with  
18 court-ordered child support or alimony that is not  
19 being paid.

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