

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2276

6  
7 H.P. 1717

House of Representatives, March 15, 1984

8 Submitted by the Department of Human Services pursuant to Joint Rule  
9 24.

10 Referred to the Committee on Judiciary. Sent up for concurrence and  
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Joseph of Waterville.

Cosponsor: Representative McHenry of Madawaska.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Relating to the Enforcement and  
18 Collection of Child Support Obligations.  
19

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

22 Sec. 1. 5 MRSA §1003 is repealed and the follow-  
23 ing enacted in its place:

24 §1003. Exemption from taxation and execution

25 1. Exemption. The right of a person to a re-  
26 irement allowance, the retirement allowance itself,  
27 to the return of accumulated contributions, any op-  
28 tional benefit or death benefit or any other right  
29 accrued or accruing to any person under this chapter,  
30 and the moneys in the various funds created by this  
31 chapter, are exempt from any state, county or municip-  
32 al tax in the State, and are not subject to execu-  
33 tion, garnishment, attachment or any other process  
34 whatsoever, and are unassignable except as this chap-  
35 ter specifically provides.

1           2. Exception as to child support obligations. A  
2 member's retirement allowance or his contributions  
3 shall be available, upon receipt thereof, to satisfy  
4 any child support obligation, which is otherwise en-  
5 forceable by execution, garnishment, attachment, as-  
6 ignment or other process.

7           Sec. 2. 19 MRSA §504, sub-§10 is enacted to  
8 read:

9           10. Priority of order. Notwithstanding any oth-  
10 er provision of law, the order to withhold and deliv-  
11 er shall have absolute priority over previously filed  
12 orders against assets, earnings and assignments of  
13 earnings not for the enforcement of a child support  
14 obligation entered after the effective date of this  
15 subsection.

16           Sec. 3. 19 MRSA §511, as enacted by PL 1975, c.  
17 532, §3, is amended by adding after the first para-  
18 graph a new paragraph to read:

19           Notwithstanding any other provision of law, an  
20 assignment of earnings presented by the commissioner  
21 shall have absolute priority over previously filed  
22 orders against earnings and assignments of earnings  
23 not for the enforcement of a child support obliga-  
24 tion, which orders and assignments were entered after  
25 the effective date of this paragraph.

26           Sec. 4. 19 MRSA §774, sub-§3, as enacted by PL  
27 1979, c. 668, §6, is amended to read:

28           3. Order to employer or payor of earnings. The  
29 employer or other payor of earnings to make direct  
30 payments, if the court has ordered installment pay-  
31 ments under section 773 or otherwise, such an order  
32 to have absolute priority over all previously filed  
33 orders against earnings and assignments of earnings  
34 not relating to enforcement of alimony, child support  
35 or costs;

36           Sec. 5. 26 MRSA §627 is amended by adding after  
37 the first paragraph a new paragraph to read:

38           An assignment of wages executed in satisfaction  
39 of a child support obligation shall have absolute

1 priority over all previously filed orders against  
2 earnings entered pursuant to the Revised Statutes,  
3 Title 14, section 3137, and over any other assignment  
4 of wages, which orders and assignments were entered  
5 after the effective date of this paragraph.

6 STATEMENT OF FACT

7 Section 1 permits individuals who are owed child  
8 support obligations to take collection action against  
9 Maine State Retirement benefits belonging to a re-  
10 sponsible parent. Currently, all benefits received  
11 from the Maine State Retirement System are exempt  
12 from collection process. This change places state  
13 retirees on the same level as all other retirees  
14 whose benefits presently are subject to collection  
15 action to satisfy a child support obligation.

16 Sections 2, 3, 4 and 5 amend existing statutes to  
17 give the collection of child support obligation pri-  
18 ority over the collection of all other debts that an  
19 individual may incur.

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