

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1998

6
7 H.P. 1414

House of Representatives, February 10, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Duffy of Bangor.

11 Cosponsored by Representative Vose of Eastport and Senator Perkins of
Hancock.

12 STATE OF MAINE
13

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

17 AN ACT to Aid in Enforcement of Child Support
18 Payments.
19

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

22 Sec. 1. 19 MRSA §500, sub-§1, ¶G, as amended by
23 PL 1979, c. 663, §127, is further amended to read:

24 G. A statement that at the administrative hearing
25 only the following issues shall be consid-
26 ered:

27 (1) Receipt of public assistance by the re-
28 sponsible parent;

29 (2) Uncredited cash payments;

30 (3) The amount of the debt accrued and ac-
31 cruing; and

32 (4) The accuracy of the terms of the court
33 order as stated in the notice of debt.

1 A statement that any other issues regarding the
2 accrued debt or the current child support order
3 shall not be considered at the administrative
4 hearing and must be addressed to a court of prop-
5 er jurisdiction; and

6 Sec. 2. 19 MRSA §500, sub-§1, ¶H, as enacted by
7 PL 1979, c. 259, §5, is amended to read:

8 H. A statement that the department will stay
9 collection action upon receipt of a request for
10 review under section 515 or on service of plead-
11 ings filed in a court of proper jurisdiction;
12 and

13 Sec. 3. 19 MRSA §500, sub-§1, ¶I is enacted to
14 read:

15 I. A statement that the department will publish
16 in newspapers the names of those against whom a
17 child support lien has been filed.

18 Sec. 4. 19 MRSA §500, sub-§5 is enacted to read:

19 5. Newspaper notice. The commissioner shall
20 cause to be published in newspapers on a statewide
21 basis the names of those against whom a child support
22 lien has been filed. The department shall file a
23 lien regardless of whether property subject to lien
24 has been found to exist. This publication shall be
25 repeated yearly and at more frequent intervals if
26 judged necessary by the commissioner and shall con-
27 tain the amount of the debt, the age and last known
28 address of the responsible parent. The court issuing
29 the court order shall keep records of the responsible
30 parent's age and address and the department shall at-
31 tempt to assure the accuracy of this data. If this
32 data does not exist the name of the responsible par-
33 ent shall not be published.

34 Sec. 5. 19 MRSA §504, sub-§4, as repealed and
35 replaced by PL 1979, c. 309, §8, is amended to read:

36 4. Answer. Any persons served with an order to
37 withhold and deliver or with an inquiry as to employ-
38 ment status shall answer the order or inquiry within
39 20 days of receipt of the order or inquiry.

1 Sec. 6. 19 MRSA §504, sub-§11 is enacted to
2 read:

3 11. Notice. The publishing in newspapers on a
4 statewide basis by the department of the names of re-
5 sponsible parents against whom child support liens
6 have been filed shall constitute legal notice of that
7 fact. Persons employing those delinquent parents
8 shall make this fact known to the department within
9 20 days of publication of this newspaper. Failure to
10 respond completely and accurately shall subject the
11 person to a fine in an amount not to exceed \$1,000.

12 Sec. 7. 19 MRSA §511, first ¶, as enacted by PL
13 1975, c. 532, §3, is amended to read:

14 Any person employing a person owing a support
15 debt shall honor a duly executed assignment of earn-
16 ings presented by the commissioner. Publication in
17 newspapers on a statewide basis shall constitute no-
18 tice to an employer that a support debt is owed and a
19 person employing someone so listed shall report this
20 fact to the department within 20 days. This require-
21 ment to honor the assignment of earnings and the as-
22 ignment of earnings itself shall be applicable
23 whether the earnings are to be paid presently or in
24 the future and shall continue in force until released
25 in writing by the commissioner. Payment pursuant to
26 an assignment of earnings presented by the commis-
27 sioner shall serve as full acquittance under any con-
28 tract of employment, and the State warrants it shall
29 defend and hold harmless any person who honors the
30 assignment of earnings. The commissioner shall not be
31 liable for improper receipt of ~~moneys~~ money under an
32 assignment of earnings upon return of any ~~moneys~~
33 money so received.

34 Sec. 8. 19 MRSA §774, sub-§§5 and 6, as enacted
35 by PL 1979, c. 668, §6, are amended to read:

36 5. Execution. Execution as provided under Title
37 14, chapter 509; ~~or~~

38 6. Other methods. Any other method of enforce-
39 ment that may be used in a civil action; or

40 Sec. 9. 19 MRSA §774, sub-§7 is enacted to read:

1 7. Publication. Publication of the name of the
2 defendant in the newspapers across the State which
3 are generally used for legal notices. This publica-
4 tion shall be repeated yearly and at more frequent
5 intervals if judged necessary by the commissioner un-
6 til the judgment is settled and shall include infor-
7 mation as to the length of time the defendant has
8 been in default, the amount of the default and the
9 age and last known address of the defendant.

10 STATEMENT OF FACT

11 The purpose of this bill is to require that the
12 State publish in a newspapers on a statewide basis
13 the names of persons who are adjudged guilty of fail-
14 ure to make child support payments. It is the fur-
15 ther purpose to require that employees of persons
16 whose names are published report this employment to
17 the department. It is the purpose to require that
18 employers respond to employment status requests re-
19 ceived from the department.

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