

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 341

H.P. 258 House of Representatives, February 11, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative DUFFY of Bangor.

Cosponsored by Representatives PARADIS of Augusta, VOSE
of Eastport and Senator PERKINS of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Aid in Enforcement of Child Support
Payments.

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

Sec. 1. 19 MRSA §448-B is enacted to read:

§448-B. Enforcement of child support payments; de-
mand for information; employer responsibili-
ty

1. Definitions. As used in this section, unless
the context indicates otherwise, the following terms
have the following meanings.

A. "Assets" means equity in or ownership of real
property or equity in or ownership of personal

1 property such as, but not limited to, bank ac-
2 counts, savings certificates, stocks, bonds,
3 promissory notes, mortgages, choses in action,
4 judgments and lines of credit, by whatever name
5 denominated by a banking institution.

6 B. "Earnings" means compensation paid or payable
7 for personal services, whether denominated as
8 wages, salary, commission, bonus or otherwise,
9 and specifically includes periodic payments pur-
10 suant to pension or retirement programs or insur-
11 ance policies of any type, and all gain derived
12 from capital, from labor or from both combined,
13 including profit gained through sale or conver-
14 sion of capital assets, unemployment compensation
15 benefits and workers' compensation benefits.

16 C. "Obligor" means any person owing a duty of
17 support to his natural or adoptive child.

18 D. "Person" means an individual, trust, estate,
19 partnership, association, company, corporation,
20 political subdivision of the State or instrumen-
21 talidity of the State; and includes, but is not
22 limited to, an obligor, an alleged obligor and a
23 past or present employer.

24 E. "Serve" means delivery by certified mail, re-
25 turn receipt requested; delivery to addressee on-
26 ly; or delivery by hand by an authorized repre-
27 sentative of the Commissioner of Human Services.

28 2. Request for information. Notwithstanding any
29 other law or claim of confidentiality, the Department
30 of Human Services may serve a demand upon a person
31 for information relating to any of the following mat-
32 ters regarding an obligor or alleged obligor: Com-
33 plete name; date and place of birth; social security
34 number; present employment status; gross income; pay-
35 roll deductions; net income; length of time employed;
36 date employment began; date employment ended; most
37 current or last known address; earnings; assets; lia-
38 abilities; availability and existence of medical and
39 health insurance coverage for dependents; and such
40 other information as the department may certifies
41 that it requires in order to determine or verify the
42 identity, location, income, assets or liabilities of

1 the obligor or alleged obligor. A person responding
2 to the department's demand may provide such informa-
3 tion without incurring any liability to any other
4 person for doing so.

5 A person shall respond to the department's demand
6 within 10 days. Failure to respond completely and
7 accurately in writing within 10 days following ser-
8 vice of the demand, with respect to any information
9 in his possession, shall subject the person to a fine
10 in an amount not to exceed \$1,000. Such a fine shall
11 be in addition to any liability under Title 17-A,
12 section 453.

13 3. Employer responsibility. An employer who has
14 knowledge or learns that someone that he employs has
15 been served with a notice, decision, lien or judgment
16 indicating that this employee owes child support
17 shall report the employment status to the department
18 and shall comply with any subsequent demand for in-
19 formation from the department in accordance with this
20 section and shall be covered by the liability provi-
21 sions of that section. Knowledge of child support
22 gained from newspaper publication in accordance with
23 section 503-A is included in the definition of knowl-
24 edge within the meaning of this Act.

25 Sec. 2. 19 MRSA §503-A is enacted to read:

26 §503-A. Publication of notice of debt

27 1. Publication. The department shall publish in
28 newspapers on a statewide basis at least once and not
29 more than 4 times a year a list of persons who at
30 least 21 days prior to publication have received a
31 notice of debt under section 500 or who have been the
32 recipients of a decision under section 498 or against
33 whom a lien has been filed pursuant to section 503.
34 This list shall not exceed 10 such obligors from the
35 jurisdiction of any one regional office of the de-
36 partment's Division of Child Support. Names of obli-
37 gors who continue to be in that status may be in-
38 cluded in subsequent publications. This publication
39 shall consist of the name of the responsible parent,
40 the amount of the indebtedness set forth in the no-
41 tice of debt, decision, lien or judgment, the last
42 known address of the responsible parent and, if

1 known, the age of the responsible parent and of the
2 children for whom the duty of support is owed.

3 2. Publicity. Prior to publication of any list
4 of names, the department shall issue appropriate pub-
5 licity releases to the various media indicating the
6 general nature of the program. This shall be done in
7 sufficient time in advance of the publication as to
8 allow those owing child support to contact the de-
9 partment.

10 3. Notice. A notice of debt issued pursuant to
11 section 500 or a notice of hearing and debt issued
12 pursuant to section 498 shall contain a notice that
13 the commissioner may publish as provided in subsec-
14 tion 1.

15 STATEMENT OF FACT

16 This bill changes the sections in which the leg-
17 islation is placed. It also sets a limit of 10 names
18 for each child support regional office and of 4 pub-
19 lications each year. It makes more extensive the
20 provisions dealing with the necessity for employers
21 to respond to department requests for information.
22 It also clarifies that the purposes of this bill are
23 to induce those in default to pay their indebtedness
24 through the threat of newspaper publication and to
25 aid in obtaining information on the whereabouts and
26 employment status of these people.

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