

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 857

H.P. 634 House of Representatives, March 20, 1987
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative LOOK of Jonesboro.

Cosponsored by Senator RANDALL of Washington and
Representative FARNUM of South Berwick.

STATE OF MAINE

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

**AN ACT to Eliminate Certain Current
Exemptions in the Determination of
Child Support Obligations.**

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

7 **Sec. 1. 19 MRSA §502, first ¶, as repealed and**
8 **replaced by PL 1985, c. 652, §32, is amended to read:**

9 The following exemptions shall apply to weekly
10 earnings. An amount equal to 30 times the federal
11 minimum wage, as prescribed by the United States
12 Code, Title 29, Section 206(a)(1), shall be exempt
13 from an order to withhold and deliver, garnishment,
14 automatic withholding or any other proceeding under
15 this chapter regarding weekly earnings. ~~Except--as~~
16 ~~otherwise provided in this section, any property oth-~~

1 ~~erwise--exempt--from--trustee-process, attachment and~~
2 ~~execution shall be exempt from an order--to--withhold~~
3 ~~and--deliver, administrative seizure and disposition,~~
4 ~~and lien and foreclosure under this--subchapter.~~ The
5 maximum part of the aggregate disposable earnings of
6 a responsible parent for any workweek which is sub-
7 ject to garnishment, pursuant to section 504 or
8 504-A, to enforce any decision entered pursuant to
9 section 498, 498-A, 500 or 515, shall not exceed:

10 **Sec. 2. 19 MRSA §503, first ¶, as amended by PL**
11 **1985, c. 652, §33, is further amended to read:**

12 Twenty-one days after receipt of the notice of
13 debt under section 500 or upon receipt of the deci-
14 sion under section 498 or section 498-A, the amount
15 stated in the notice of debt or in the decision shall
16 be a lien in favor of the department against all
17 nonexempt property of the responsible parent. This
18 lien shall be separate and apart from and in addition
19 to any other lien created by, or provided for in,
20 this Title.

21 **Sec. 3. 19 MRSA §503, sub-§1, as repealed and**
22 **replaced by PL 1979, c. 65, is amended to read:**

23 1. Filing. The lien shall attach to all
24 nonexempt real and personal property of the responsi-
25 ble parent when the department files, in the registry
26 of deeds of any county or with any office appropriate
27 for a notice with respect to personal property, a
28 certificate which states the name of the responsible
29 parent, his address, the amount of the child support
30 debt accrued, the date of the decision or notice of
31 debt by which the debt was assessed and the name and
32 address of the authorized agent of the department who
33 issues the lien.

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STATEMENT OF FACT

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This bill eliminates certain specific statutory exemptions, found in the state bankruptcy code, applied in the determination of child support obligations. These current exemptions from income consideration unduly benefit the noncustodial parent to the detriment of the dependent child.

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