

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 867

S.P. 330

In Senate, March 21, 1989

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

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COLLINS of Aroostook.

Cosponsored by Senator BERUBE of Androscoggin, Representative CARROLL of Southwest Harbor and Representative McGOWAN of Canaan.

STATE OF MAINE

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

**An Act to Facilitate the Disclosure of Information in Medical Support
Recoupment and Child Support Cases.**



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

3 **22 MRSA §3755-A** is enacted to read:

5 **§3755-A. Disclosure of information in medical support recoupment**
7 **and child support cases**

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

15 **A. "Assets" means any interest in real or personal property.**

17 **B. "Dependent child" has the same meaning as in Title 19,**
19 **section 493.**

21 **C. "Earnings" has the same meaning as in Title 19, section**
23 **493.**

25 **D. "Person" has the same meaning as in Title 19, section**
27 **493.**

29 **E. "Responsible parent" has the same meaning as in Title**
31 **19, section 493.**

33 **2. Request for information.** Except as provided in
35 subsection 4, and notwithstanding any other law or any claim or
37 assertion of confidentiality, the department may request of any
39 person information relating to the following matters concerning a
41 responsible parent or alleged responsible parent:

43 **A. Complete name;**

45 **B. Social security number;**

47 **C. Date and place of birth;**

49 **D. Present and past employment status;**

51 **E. Earnings;**

F. Current or last known address;

G. Assets; and

H. Availability and description of health insurance
coverage for a dependent child.

3. Demand for information. If a response to a request
under subsection 2 is not received by the department within 2
weeks of its mailing by regular mail, the department may serve a
demand upon the person to whom the request was directed for the

1 information sought. The demand may be served by certified mail,
2 return receipt requested, or by service in hand as specified in
3 the Maine Rules of Civil Procedure, except that a demand may be
4 served by any authorized representative of the commissioner.

5
6 4. Limitation. If an alleged responsible parent is a
7 putative father of a child conceived and born out of wedlock, a
8 request or demand shall be limited to information relating to the
9 following matters concerning the alleged responsible parent:

11 A. Complete name;

13 B. Date and place of birth;

15 C. Present and past employment status;

17 D. Social security number; and

19 E. Current or last known address.

21 5. Immunity from liability. Any person may disclose to the
22 department any of the information described in subsection 2 that
23 is sought in a request or demand by the department without
24 incurring any liability to any other person because of the
25 disclosure.

27 6. Affirmation of responses. The department may require
28 that a response to a request or demand be affirmed under the
29 penalties for unsworn falsification under Title 17-A, section 453.

31 7. Facilitation of responses. A request or demand shall
32 contain or be accompanied by a form of answer and shall be
33 accompanied by a business-reply or prepaid self-addressed
34 envelope.

35
36 8. Penalty for failure to respond. Failure to respond to a
37 demand for information within 10 days following the date of
38 service of the demand shall subject the person to a fine of an
39 amount not to exceed \$1,000.

41

43

STATEMENT OF FACT

45 Existing law fails to make adequate provision for the
46 release of information essential for the Department of Human
47 Services to carry out the federal mandates to establish 3rd-party
48 medical benefits or utilize existing 3rd-party medical benefits
49 on behalf of children in single-parent families who are entitled
50 to receive 3rd-party medical benefits or medical support from
51 their parent or parents, and to identify and utilize the income
and assets of absent parents required to provide financial

1 support on behalf of their minor children. These federal
2 requirements pertain both to children who receive public
3 assistance and children who do not receive public assistance
4 whose custodian has elected to utilize child support enforcement
5 services of the department. In either case, the federal
6 requirements mandate the department take action to establish
7 medical benefits and equitable child support obligations in
8 nonobligated cases, and collect past due support or medical
9 support in obligated cases. Additionally, the provisions of
10 recently enacted federal welfare reform legislation will require
11 the State to periodically review all existing support obligations
12 in light of the State's federally mandated child support formula
13 and make whatever adjustments may be necessary to bring
14 obligations into line with that formula.

15
16 This bill eliminates existing statutory deficiencies by
17 enabling the department to gain access to the information which
is essential to carry out these provisions.