

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 967

H.P. 706

House of Representatives, March 29, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative FOSTER of Ellsworth.

Cosponsored by Senator WEBSTER of Franklin and Representative RIDLEY of Shapleigh.

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STATE OF MAINE

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

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An Act to Establish State Guidelines for Child Support Awards.

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

3 19 MRSA §303-A, as amended by PL 1985 c. 652, §12, is  
5 repealed and the following enacted in its place:

7 §303-A. Guidelines for child support awards

9 1. Rules. The Department of Human Services shall  
11 establish, by rule, guidelines for child support award amounts,  
13 and shall make the guidelines available to all judges and other  
15 officials who have the authority to determine child support  
17 awards within the State.

19 2. Presumption. There shall be a rebuttable presumption in  
21 any judicial or administrative proceeding in which child support  
23 may be established or modified, which is commenced on and after  
25 the effective date of this section, that the amount of the award  
27 which would result from the application of the guidelines is the  
29 correct amount of child support to be awarded. A written finding  
31 or specific finding on the record that the application of the  
33 guidelines would be unjust or inappropriate in a particular case  
35 shall be sufficient to rebut the presumption in that case, if the  
37 finding is made pursuant to the criteria established:

39 A. By rules which shall be promulgated by the Supreme  
41 Judicial Court for implementing the guidelines in judicial  
43 proceedings, in such proceedings; or

45 B. By rules which shall be promulgated by the Department of  
47 Human Services for implementing the guidelines in  
49 administrative proceedings pursuant to subchapter V, in such  
51 proceedings.

53 3. Review. The guidelines shall be reviewed by the  
55 Department of Human Services at least once every 4 years to  
57 ensure that their application results in the determination of  
59 appropriate child support award amounts.

61 **STATEMENT OF FACT**

63 Presently, the only guidelines for child support award  
65 amounts in the State having the force of law are those of the  
67 scale promulgated by the Department of Human Services under the  
69 authority of the Maine Revised Statutes, Title 19, section 303-A,  
71 under which only the department, in its administrative  
73 proceedings under chapter 7, subchapter V, may be required to  
75 utilize the scale.

77 The purpose of this bill is to conform with the United  
79 States Social Security Act, Section 467 (a) and (b), as amended

1 by the United States Family Support Act of 1988, Public Law  
2 100-485, Section 103 (a) and (b), mandates that by October 12,  
3 1989, every state:

5 1. Establish guidelines for child support award amounts in  
6 any judicial or administrative proceeding for the award of child  
7 support;

9 2. Establish a rebuttable presumption that the amount of  
10 the award which would result from the application of such  
11 guidelines is the correct amount of child support to be awarded;  
12 and

13 3. Establish that a written finding or specific finding in  
14 the record that the application of the guidelines would be unjust  
15 or inappropriate in a particular case, as determined under  
16 criteria established by the State, shall be sufficient to rebut  
17 the presumption in that case.

19 4. Establish that the guidelines be reviewed at least once  
20 every 4 years to ensure that their application results in the  
21 determination of appropriate child support amounts.

23 The bill has been framed with a view toward achieving  
24 implementation of the guidelines which will affirmatively respond  
25 to the differences between judicial and administrative  
26 proceedings in which child support may be awarded.  
27