

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 800, L.D. 1146, Bill, "An Act to Increase the Collection of Child Support Payments"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, delinquent payments for child support endanger the health and welfare of Maine children; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill in section 2 in subsection 1 in the last paragraph by striking out all of the last 8 lines (page 1, lines 44 to 51 in L.D.) and inserting in their place the following:

'persons who owe to that state a child support debt that has been liquidated by judicial or administrative action. If the winner is on a list of persons who owe child support debts, the commission shall suspend payment of winnings and notify the winner of its intention to offset the winner's child support debt against the winnings. The commission shall notify the winner of the winner's right to request a hearing before the creditor agency in the party state within 15 days of the winner's receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected the winner's liability. The decision of the

2 agency as to the existence of a liquidated debt constitutes final
3 agency action. If, within 90 days of the notice of intended
4 setoff to the winner, the creditor agency of the party state
5 requesting setoff certifies to the commission that the winner did
6 not make a timely request for hearing or that a hearing was held
7 and the debt was upheld, the commission shall offset the
8 liquidated debt against the winnings due to the winner. Any
9 remaining winnings are paid to the winner. If the commission
10 does not hear from the creditor agency of the party state within
11 90 days of the notice of intended setoff to the winner, the
12 commission shall release all winnings to the winner.'

13 Further amend the bill by striking out all of section 3 and
14 inserting in its place the following:

15 'Sec. 3. 19 MRSA §504-B is enacted to read:

16 §504-B. Setoff of debts against lottery winnings

17 1. Notice to Bureau of Lottery. The department shall
18 periodically notify the Department of Finance, Bureau of Lottery
19 of all persons who owe the department a child support debt that
20 has been liquidated by judicial or administrative action. Prior
21 to paying any state lottery winnings that must be paid directly
22 by the bureau, the bureau shall determine whether the lottery
23 winner is on the list of persons who owe a child support debt to
24 that state that has been liquidated by judicial or administrative
25 action. If the winner is on a list of persons who owe child
26 support debts, the bureau shall suspend payment of winnings and
27 notify the winner of its intention to offset the winner's child
28 support debt against the winnings. The bureau shall notify the
29 winner of the winner's right to request a hearing before the
30 department within 15 days of the winner's receipt of that
31 notice. The hearing is limited to the questions of whether the
32 debt is liquidated and whether post-liquidation events have
33 affected the winner's liability. The decision of the department
34 as to the existence of a liquidated debt constitutes final agency
35 action. If, within 90 days of the notice of intended setoff to
36 the winner, the department certifies to the bureau that the
37 winner did not make a timely request for hearing or that a
38 hearing was held and the debt was upheld, the bureau shall offset
39 the liquidated debt against the winnings due to the winner. Any
40 remaining winnings are paid to the winner. If the bureau does
41 not hear from the department within 90 days of the notice of
42 intended setoff to the winner, the bureau shall release all
43 winnings to the winner.

44 2. Notice to Tri-State Lotto Commission. The department
45 shall periodically notify the Tri-State Lotto Commission of all
46 persons who owe the department a child support debt that has been
47 liquidated by judicial or administrative action.'

2 Further amend the bill by striking out all of sections 4 to
4 6.

6 Further amend the bill by renumbering the sections to read
8 consecutively.

10 Further amend the bill by inserting at the end before the
12 statement of fact the following:

14 'Emergency clause. In view of the emergency cited in the
16 preamble, this Act takes effect when approved.

18 FISCAL NOTE

20 This bill may increase child support collections by
22 authorizing the State Lottery Commission to withhold state
24 lottery winnings from persons who owe the State for child support
26 obligations. The amount of additional dedicated revenue can not
28 be estimated.

30 The State Lottery Commission will be able to absorb the
32 additional work load of identifying and notifying debtors and
34 withholding winnings within existing allocated resources. Costs
36 associated with computer programming changes and conducting
38 hearings within the Department of Human Services will be absorbed
40 by the department utilizing existing budgeted resources.'

42 STATEMENT OF FACT

44 This amendment clarifies that only liquidated child support
46 debts must be forwarded to the Department of Finance, Bureau of
48 Lottery and the Tri-State Lottery Commission for setoff against
lottery winnings and that prior to offset the Bureau of Lottery
or the Tri-State Lottery Commission shall provide notice to
winners.

50 The amendment eliminates provisions in the bill that allow
the Department of Human Services to use private collection
agencies to collect child support debts.

The amendment also eliminates a redundant section that
requires the Department of Human Services to notify the State Tax
Assessor of child support debts. A similar provision currently
exists in the statutes.

The amendment adds an emergency preamble, emergency clause
and fiscal note to the bill.