

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1543

H.P. 1054

House of Representatives, April 16, 1991

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 LAWRENCE of Kittery.

Cosponsored by Representative OLIVER of Portland, Representative GEAN of Alfred and Senator CONLEY of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Penalize the Department of Human Services for Failing to
Make Prompt Child Support Payments to Obligees.**

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

4 19 MRSA §777-B is enacted to read:

6 §777-B. Late fee for late support payments

8 1. Prompt forwarding of funds required. For any current
10 child support payment made directly to the Department of Human
12 Services pursuant to any court or administrative order entered
14 pursuant to Title 19 or 22 or any requirement of section 448-A,
777 or 777-A, the department shall disburse such sums to the
intended obligee within 14 days of receipt by the department,
except as provided in subsection 3.

16 2. Late fee. If the Department of Human Services fails to
18 disburse such funds within 14 days, except as provided in
subsection 3, a late fee of 10% of the amount that is delinquent
in disbursement is imposed. The department shall forward the
late fee to the obligee under separate cover.

20 3. Exceptions to late fee. A late fee may not be imposed:

22 A. When the obligor has failed to provide sufficient
24 identifying information or account numbers to allow the
26 department to promptly identify the intended recipient of
the funds; or

28 B. Against amounts disbursed pursuant to the time limits
30 established by 45 Code of Federal Regulations, Section
32 302.33 if the department's disbursement conforms to, and
does not exceed, the time limits established in that
regulation.

34
36 **STATEMENT OF FACT**

38 The Department of Human Services currently takes a
40 moderately long time to issue checks to obligees and recipients
42 based on child support funds received from obligors. This delay
44 has caused hardships to individuals of limited means who rely
46 upon these funds. This bill would penalize the department if it
48 fails to forward funds within 14 days of receipt by the
department unless the department does not have sufficient
identifying information or unless a different time period is
mandated by federal regulation. The amount of the late fee,
which is 10% of the overdue payment, would be forwarded to the
recipients.