

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 2293

(Filing No. S-654 )

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 893, L.D. 2293, Bill, "An Act to Provide for Periodic Review and Modification of Child Support Orders"

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 19 MRSA §314, sub-§1, ¶E is enacted to read:

E. The court may admit Department of Labor statistics into evidence for purposes of computing a parental support obligation.'

Further amend the bill in section 4 in that part designated "§319." by striking out all of subsection 3 and inserting in its place the following:

'3. Service. Except as provided in this section, a motion to modify support is governed by the Maine Rules of Civil Procedure.

A. Service in hand must be made upon the responding party, as follows:

(1) Service within the State must be made:

(a) By mailing a copy of the motion and accompanying documents by first class mail, postage prepaid, to the responding party, together with 2 copies of a notice and acknowledgement form and a return envelope, postage prepaid. If no acknowledgement of service under this paragraph is received by the sender within 20 days after the

**COMMITTEE AMENDMENT**

2 date of mailing, service of the summons and  
3 complaint may be made under division (b); or

4 (b) By a sheriff or a deputy within the sheriff's  
5 county, or other person authorized by law, or by a  
6 person specially appointed by the court for that  
7 purpose;

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9 (2) Service outside the State must be made:

10 (a) By registered mail or certified mail,  
11 restricted delivery and return receipt requested;  
12 or

13 (b) By any person authorized to serve civil  
14 process by the laws of the place of service, or by  
15 a person specially appointed to serve the motion  
16 and accompanying documents; or

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18 (3) Service by any other method specifically approved  
19 by the court.

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21 B. The motion must be accompanied by:

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23 (1) A notice that the court may enter an order without  
24 hearing if the party does not request a hearing;

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26 (2) A notice of the right to request a hearing;

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28 (3) A notice of the requirement of mediation prior to  
29 a hearing;

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31 (4) The income affidavit of the moving party or the  
32 party receiving the assistance of the department, as  
33 well as the responding party's affidavit, if available;

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35 (5) A proposed order, incorporating the child support  
36 worksheet; and

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38 (6) Any stipulation entered into by the parties.'

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40 Further amend the bill in section 4 in that part designated  
41 "§319." by striking out all of subsection 6 and inserting in its  
42 place the following:

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44 '6. Motion to set aside. An order entered without hearing  
45 pursuant to this section may not be set aside except on motion in  
46 which the moving party demonstrates good cause for the failure to  
47 request a hearing and a meritorious defense to the proposed  
48 request.

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 893, L.D. 2293

2 order. The Chief Justice may establish costs to be paid by a  
3 party moving to set aside an order modifying child support after  
4 an order has been entered following that party's failure to file  
5 a timely written response.'

6 Further amend the bill by inserting before the statement of  
7 fact the following:

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**FISCAL NOTE**

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The Department of Human Services may require additional funding in fiscal year 1993-94 in order to review child support orders and file motions to modify support obligations. The collection of fees charged for services related to the review of support orders will offset the costs of these reviews. These amounts can not be determined at this time.

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The Judicial Department will incur additional costs to comply with the federal mandate and is pursuing the availability of federal funds to help offset the costs. If federal funds are not available, the Judicial Department will require an additional General Fund appropriation in fiscal year 1993-94.'

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**STATEMENT OF FACT**

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This amendment authorizes the court to admit Department of Labor statistics regarding wages to help the court compute a parental support order. This amendment also replaces the provisions on service of the motion to modify support. It places the current service of process requirements now located in the Maine Rules of Civil Procedure into the Maine Revised Statutes. Any changes in the Maine Rules of Civil Procedure regarding service of process will not affect the service required for motions to modify.

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This amendment also removes an example of what constitutes a meritorious defense to failing to request a hearing on an order to modify support.

Reported by Sen. Berube of Androscoggin for the Committee on Judiciary. Reproduced and distributed pursuant to Senate Rule 12.

(3/20/92)

(filing number S-654)

**COMMITTEE AMENDMENT**