

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)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

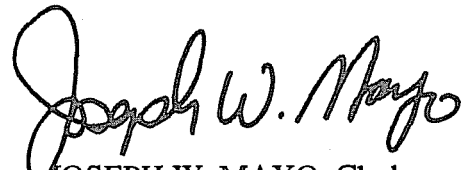
No. 808

H.P. 593

House of Representatives, March 8, 1993

An Act to Eliminate the Automatic Issuance of Conditional Withholding Orders.

Submitted by the Judicial Department pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative FAIRCLOTH of Bangor.

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

2
4 Sec. 1. 19 MRSA §777, sub-§1, ¶A, as enacted by PL 1985, c.
652, §50, is amended to read:

6 A. Whenever an obligation for support of a dependent child
8 or spouse or alimony to a former spouse is determined and
10 ordered by a court of this State pursuant to provisions
12 within this Title or Title 22, that court shall order the
14 withholding of the amount of child or spousal support or
16 alimony, as determined by court order, from the income,
18 regardless of source, of the person obligated to pay the
20 support or alimony. When an order for withholding has not
22 previously been secured, the obligee may move for an order,
24 and the court shall grant the order. Every order of child
26 or spousal support or alimony is deemed to include an order
28 for withholding consistent with the order of support or
30 alimony contained in the order and consistent with this
32 section. The clerk, upon application, shall issue the order
of income withholding.

STATEMENT OF FACT

26 This bill eliminates the automatic issuance of a conditional
28 withholding order and provides for its issuance in only those
30 cases in which someone intends to use it. The purpose of this
32 bill is to save time and paper in District Court clerks' offices,
as it would allow the form to be prepared without further
judicial involvement and to be issued by the clerk upon request,
much like the current practice governing executions.