

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1124

S.P. 367

In Senate, April 1, 1993

An Act to Amend the Laws Governing Desertion and Nonsupport.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland.
Cosponsored by Senators: CAREY of Kennebec, CONLEY of Cumberland, VOSE of
Washington.

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

2
4 **Sec. 1. 19 MRSA §500, sub-§1, ¶G**, as repealed and replaced by
PL 1985, c. 652, §31, is amended to read:

6 G. A statement that at the administrative hearing only the
following issues shall will be considered:

8 (1) The receipt of public assistance by the
10 responsible parent;

12 (2) Uncredited cash payments;

14 (3) The amount of the debt accrued and accruing;

16 (4) The accuracy of the terms of the court or
18 administrative order as stated in the notice of debt;
and

20 (5) The maintenance of any required medical or dental
insurance coverage; and

22 **Sec. 2. 19 MRSA §500, sub-§1, ¶H**, as enacted by PL 1979, c.
24 259, §5, is amended to read:

26 H. A statement that the department will stay collection
28 action upon receipt of a request for review under section
515 ~~or on service of pleadings filed in a court of proper~~
jurisdiction.;

30 **Sec. 3. 19 MRSA §500, sub-§1, ¶¶I and J** are enacted to read:

32 I. A statement that any other issues regarding the accrued
34 debt or the current child support order, such as the
36 existence of equitable defenses, may not be considered at
38 the administrative hearing and must be addressed to a court
of proper jurisdiction; and

40 J. A statement that if the obligor claims equitable
42 defenses and files for relief in a court of proper
44 jurisdiction, the obligor must simultaneously request a stay
46 from the court of a collection action until the motion is
heard. A stay issued by the court under this subsection
48 expires in 60 days and may be reissued only upon a showing
50 by the obligor that the obligor has made reasonable efforts
to obtain a hearing during the period of the stay.

50 **Sec. 4. 19 MRSA §500, sub-§4**, as enacted by PL 1979, c. 259,
§6, is amended to read:

2 4. Stay of collection action. If the responsible parent
3 requests review of a notice of debt accrued or accruing under
4 section 515, ~~or seeks relief in a court of proper jurisdiction,~~
5 and if the department receives the request ~~or service of~~
6 pleadings within 21 days after service of the notice of debt, it
7 shall must stay the collection action. ~~The department shall~~
8 ~~accept ordinary mail service of copies of all pleadings, which~~
9 ~~shall be addressed to the department representative whose name~~
10 ~~appears on the face of the notice of debt. Service upon the~~
11 ~~department shall be in addition to any other service required~~
12 ~~under the Maine Rules of Civil Procedure.~~

13 If the responsible parent seeks relief in a court of proper
14 jurisdiction and seeks a stay of collection action from the
15 court, the stay issued by the court expires in 60 days and may be
16 reissued only upon a showing by the obligor that the obligor has
17 made reasonable efforts to obtain a hearing during the effective
18 period of the stay. The department shall accept ordinary mail
19 service of copies of all pleadings, which must be addressed to
20 the department representative whose name appears on the face of
21 the notice of debt. Service upon the department is required in
22 addition to any other service required under the Maine Rules of
23 Civil Procedure.

24 25 26 STATEMENT OF FACT

27
28 This bill amends the laws governing administrative
29 enforcement of child support orders to require that the notice
30 provided by the Department of Human Services to obligors must
31 include provisions specifying the proper course for assertion of
32 equitable defenses. The bill also provides for a stay of the
33 administrative hearing for 60 days pending a court hearing.
34