

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1514

S.P. 494

In Senate, May 17, 1993

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**An Act to Promote Family Financial Responsibility through More  
Effective Child Support Enforcement.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland. (GOVERNOR'S BILL).  
Cosponsored by Senators: BALDACCI of Penobscot, KIEFFER of Aroostook, Representatives:  
BRUNO of Raymond, DONNELLY of Presque Isle, GEAN of Alfred, KERR of Old Orchard  
Beach, MICHAEL of Auburn, PLOWMAN of Hampden.

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

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Sec. 1. 10 MRSA §§8005 and 8006 are enacted to read:

**§8005. Compliance with support orders; license qualifications and conditions**

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of bureaus, boards or commissions that compose or are affiliated with the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19, section 305.

**§8006. Licensees not in compliance with a court order of support; enforcement of parental support obligations**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means any bureau, board or commission listed in section 8001 or 8001-A, other licensors that are affiliated with or are a part of the department and the Board of Overseers of the Bar.

B. "Compliance with a court order of support" means that the support obligor is no more than 30 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Department of Human Services or in making periodic payments as set forth in a court order of support and has obtained or maintained health insurance coverage if required by a court order of support.

C. "Court order of support" means any judgment or order for the support of dependent children issued by any court of the State or another state, including an order in a final decree of divorce or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review.

2. Noncompliance with a court order of support. An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who is not in compliance with a court order of support is subject to the requirements of Title 19, section 305.

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Sec. 2. 12 MRSA §§6308 and 6309 are enacted to read:

**§6308. Compliance with support orders; license qualifications and conditions**

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19, section 305, but only if the license is for commercial use.

**§6309. Licensees not in compliance with a court order of support; enforcement of parental support obligations**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compliance with a court order of support" means that the support obligor is no more than 30 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Department of Human Services or in making periodic payments as set forth in a court order of support and has obtained or maintained health insurance coverage if required by a court order of support.

B. "Court order of support" means any judgment or order for the support of dependent children issued by any court of the State or another state, including an order in a final decree of divorce or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review.

**2. Noncompliance with a court order of support.** An applicant for the issuance or renewal of a license or an existing licensee regulated by the department under this subpart who is not in compliance with a court order of support is subject to the requirements of Title 19, section 305, but only if the license is for commercial use.

Sec. 3. 12 MRSA §§7079-A and 7079-B are enacted to read:

**§7079-A. Compliance with support orders; license qualifications and conditions**

2 In addition to other qualifications for licensure or  
3 registration and conditions for continuing eligibility to hold a  
4 license as prescribed by the various acts of the department,  
5 applicants for licensure or registration, licensees renewing  
6 their licenses and existing licensees must also comply with the  
7 requirements of Title 19, section 305, but only if the license is  
8 for commercial use.

10 **§7079-B. Licensees not in compliance with a court order of**  
11 **support; enforcement of parental support obligations**

12 1. Definitions. As used in this section, unless the  
13 context otherwise indicates, the following terms have the  
14 following meanings.

16 A. "Compliance with a court order of support" means that  
17 the support obligor is no more than 30 days in arrears in  
18 making payments in full for current support, in making  
19 periodic payments on a support arrearage pursuant to a  
20 written agreement with the Department of Human Services or  
21 in making periodic payments as set forth in a court order of  
22 support and has obtained or maintained health insurance  
23 coverage if required by a court order of support.

24 B. "Court order of support" means any judgment or order for  
25 the support of dependent children issued by any court of the  
26 State or another state, including an order in a final decree  
27 of divorce or any judgment or order issued in accordance  
28 with an administrative procedure established by state law  
29 that affords substantial due process and is subject to  
30 judicial review.

32 2. Noncompliance with a court order of support. An  
33 applicant for the issuance or renewal of a license or an existing  
34 licensee who is not in compliance with a court order of support  
35 is subject to the requirements of Title 19, section 305, but only  
36 if the license is for commercial use.

38 **Sec. 4. 19 MRSA §§305 and 306 are enacted to read:**

40 **§305. Enforcement of support obligations; notice to licensing**  
41 **boards and obligor; judicial review**

42 1. Definitions. As used in this section, unless the  
43 context otherwise indicates, the following terms have the  
44 following meanings.

45 A. "Board" means any bureau, board or commission listed in  
46 Title 10, section 8001 or 8001-A, other licensor that is  
47 affiliated with or is a part of the Department of  
48 Education.

2 Professional and Financial Regulation, the Board of  
4 Overseers of the Bar and any other state agency or  
6 municipality that issues a license authorizing a person to  
8 engage in a business, occupation, profession or industry.

10 B. "Commissioner" means the Commissioner of Human Services.

12 C. "Compliance with a court order of support" means that  
14 the support obligor is no more than 30 days in arrears in  
16 making payments in full for current support, in making  
18 periodic payments on a support arrearage pursuant to a  
20 written agreement with the Department of Human Services or  
22 in making periodic payments as set forth in a court order of  
24 support and has obtained or maintained health insurance  
26 coverage if required by a court order of support.

28 D. "Court order of support" means any judgment or order for  
30 the support of dependent children issued by any court of the  
32 State or another state, including an order in a final decree  
34 of divorce or any judgment or order issued in accordance  
36 with an administrative procedure established by state law  
38 that affords substantial due process and is subject to  
40 judicial review.

42 E. "Department" means the Department of Human Services

44 F. "License" means a license, certification, registration,  
46 permit, approval or other similar document evidencing  
48 admission to or granting authority to engage in a  
50 profession, occupation, business or industry, but does not  
mean a registration, permit, approval or similar document  
evidencing the granting of authority to engage in the  
business of banking pursuant to Title 9-B.

G. "Licensee" means any individual holding a license,  
certification, registration, permit, approval or other  
similar document evidencing admission to or granting  
authority to engage in a profession, occupation, business or  
industry except an individual holding a registration,  
permit, approval or similar document evidencing the granting  
of authority to engage in the business of banking pursuant  
to Title 9-B.

2. Notice. The department may serve notice upon a support  
obligor who is not in compliance with a court order of support  
that informs the obligor of the department's intention to submit  
the obligor's name to any appropriate board as a licensee who is  
not in compliance with a court order of support. The notice must  
inform the obligor that:

2 A. The obligor may request an administrative hearing to  
contest the issue of compliance;

4 B. A request for hearing must be made in writing and must  
be received by the department within 20 days of service;

6 C. If the obligor requests a hearing within 20 days of  
8 service, the department shall stay action to certify the  
10 obligor to any board for noncompliance with a court order of  
support pending a decision after hearing;

12 D. If the obligor does not request a hearing within 20 days  
14 of service and is not in compliance with a court order of  
16 support, the department shall certify the obligor to any  
appropriate board for noncompliance with a court order of  
support; and

18 E. If the department certifies the obligor to a board for  
20 noncompliance with a court order of support, the board must  
22 suspend the obligor's license and refuse to issue or reissue  
a license until the obligor provides the board with a  
24 release from the department that states the obligor is in  
compliance with the obligor's support order.

26 The notice must include the address and telephone number of the  
28 department's support enforcement office that issues the notice  
30 and a statement of the need to obtain a release from that office  
as provided in subsection 8. The department shall attach a copy  
32 of the obligor's court order of support to the notice. Service  
of the notice must be made by certified mail, return receipt  
34 requested, or by service in hand as specified in the Maine Rules  
of Civil Procedure. For purposes of this section, authorized  
representatives of the commissioner may serve the notice.

36 3. Administrative hearing. An obligor may request an  
38 administrative hearing upon service of the notice described in  
subsection 2. The request for hearing must be made in writing and  
40 must be received by the department within 20 days of service.  
The department shall conduct hearings under this subsection in  
42 accordance with the requirements of Title 5, chapter 375,  
subchapter IV. The issues that may be considered at hearing are  
44 limited to whether the obligor is required to pay child support  
under a court or administrative order and whether the obligor is  
in compliance with a court order of support.

46 4. Decision after hearing. The department shall render a  
48 decision after hearing without undue delay as to whether the  
obligor is in compliance with the obligor's court order of  
50 support. The decision must be based on the hearing record and  
rules adopted by the commissioner. The decision must inform the

2 obligor that the obligor may file a petition for judicial review  
3 of the decision within 30 days of the date of the decision. The  
4 department shall send an attested copy of the decision to the  
5 obligor by regular mail to the obligor's most recent address of  
6 record.

7 5. Stay. If an obligor timely requests a hearing to  
8 contest the issue of compliance, the department may not certify  
9 the name of the obligor to a board for noncompliance with a court  
10 order of support until the department issues a decision after  
11 hearing that finds the obligor is not in compliance with a court  
12 order of support.

13 6. Certification of noncompliance. The department shall  
14 certify in writing to any appropriate board that a support  
15 obligor is not in compliance with a court order of support if:

16 A. The obligor does not timely request a hearing upon  
17 service of a notice issued under subsection 2 and is not in  
18 compliance with a court order of support 21 days after  
19 service of the notice;

20 B. The department issues a decision after hearing that  
21 finds the obligor is not in compliance with a court order of  
22 support; or

23 C. The court enters a judgment on a petition for judicial  
24 review that finds the obligor is not in compliance with a  
25 court order of support.

26 The department shall send by regular mail a copy of any  
27 certification of noncompliance filed with a board to the obligor  
28 at the obligor's most recent address of record.

29 7. Notice from board. A board shall notify an obligor  
30 certified by the department under subsection 6, within 21 days,  
31 that the obligor's application for the issuance or renewal of a  
32 license may not be granted or that the obligor's license has been  
33 revoked because the obligor's name has been certified by the  
34 department as a support obligor who is not in compliance with a  
35 court order of support.

36 8. Release. When an obligor who is served notice under  
37 subsection 2 subsequently complies with the court order of  
38 support, the department shall issue the obligor a release that  
39 states the obligor is in compliance with the order.

40 9. Temporary license. Upon request of an obligor certified  
41 for noncompliance with a court order of support, the board to  
42 which the obligor is certified may issue the obligor a temporary  
43 license.



2 license valid for a period not to exceed 120 days. If upon the  
3 expiration of a temporary license the obligor is in compliance  
4 with all court orders of support for which the department served  
5 the obligor notice under subsection 2, the board may issue a  
6 license to the obligor.

7 10. Rulemaking. The department shall adopt rulemaking to  
8 implement and enforce the requirements of this section.

9 11. Agreements. The department and the various boards  
10 shall enter into such agreements as are necessary to carry out  
11 the requirements of this section, but only to the extent the  
12 department determines it is cost-effective.

13 12. Motion to modify support. Nothing in this section  
14 prohibits a support obligor from filing a motion to modify  
15 support with the court or from requesting the department to amend  
16 a support obligation established by an administrative decision.

17 13. Reporting. On or before October 15, 1993, or as soon  
18 as economically feasible and at least annually thereafter, all  
19 boards subject to this section, and the Department of  
20 Professional and Financial Regulation, Division of Administrative  
21 Services, shall provide to the department specified information,  
22 on magnetic tape or other machine-readable form, according to  
23 standards established by the department, about applicants for  
24 licensure and all current licensees. The information to be  
25 provided must include all of the following information about the  
26 licensee:

27 A. Name;

28 B. Address of record;

29 C. Federal employer identification number or social  
30 security number;

31 D. Type of license;

32 E. Effective date of license or renewal;

33 F. Expiration date of license; and

34 G. Active or inactive status.

35 14. Effect of noncompliance. The department, upon receipt  
36 of the licensee information referred to in subsection 13, shall  
37 identify and notify each board and the Department of Professional  
38 and Financial Regulation, Division of Administrative Services, of  
39 the names of any of its licensees who are support obligors  
40

2 subject to this section. The notice must include the social  
4 security number and address of the support obligor, the name,  
6 address and telephone number of the department's designee for  
8 implementing this section and a certification by the department  
10 that it has verified that the licensee is a support obligor  
12 subject to this section. When the department notifies a board  
14 under this subsection, the department shall provide adequate  
notice of its action to the obligor. The notice must inform the  
obligor of the right to request a hearing on the issue of whether  
the obligor is in compliance with a court order of support. The  
board may not issue or renew a license to a person whose name is  
on the most recent list from the department until the board  
receives a copy of the release specified in subsection 8.

16 15. Program review. In furtherance of the public policy of  
18 increasing collection of child support, the department shall  
report the following to the Legislature and the Governor on  
January 31, 1996:

20 A. The number of support obligors identified as licensees  
22 subject to this section;

24 B. The number of support obligors identified by the  
department under this section who are not in compliance with  
a court order of support; and

26 C. The number of actions taken by the department under this  
28 section and the results of those actions.

30 §306. Family financial responsibility

32 1. Purpose. The Legislature finds and declares that child  
34 support is a basic legal right of the State's parents and  
36 children, that mothers and fathers have a legal obligation to  
38 provide financial support for their children and that child  
40 support payments can have a substantial impact on child poverty  
42 and state welfare expenditures. It is therefore the  
44 Legislature's intent to encourage payment of child support to  
decrease overall costs to the State's taxpayers while increasing  
the amount of financial support collected for the State's  
children. To this end, the Department of Human Services is  
authorized to initiate action under this section against  
individuals who are not in compliance with a court order of  
support.

46 2. Definitions. As used in this section, unless the  
48 context otherwise indicates, the following terms have the  
following meanings.

2 A. "Commissioner" means the Commissioner of Human Services,  
a designee or an authorized representative.

4 B. "Compliance with a court order of support" means that  
the support obligor is no more than 30 days in arrears in  
6 making payments in full for current support, in making  
periodic payments on a support arrearage pursuant to a  
8 written agreement with the Department of Human Services, in  
making periodic payments as set forth in a court order of  
10 support or has obtained or maintained health insurance  
coverage as required.

12 C. "Court order of support" means any judgment or order for  
14 the support of dependent children issued by any court of the  
State or another state, including an order in a final decree  
16 of divorce or any judgment or order issued in accordance  
with an administrative procedure established by state law  
18 that affords substantial due process and is subject to  
judicial review.

20 D. "Department" means the Department of Human Services.

22 3. Notice. The commissioner may serve notice upon a  
24 support obligor who is not in compliance with a court order of  
support that informs the obligor of the commissioner's intention  
26 to certify the obligor to the Secretary of State as an individual  
who is not in compliance with a court order of support. The  
28 notice must inform the obligor that:

30 A. The obligor may contest the issue of compliance at an  
administrative hearing;

32 B. A request for hearing must be made in writing and must  
34 be received by the department within 20 days of service;

36 C. If the obligor requests a hearing within 20 days of  
service the department shall stay action to certify the  
38 obligor to the Secretary of State for noncompliance with a  
court order of support pending a decision after hearing;

40 D. If the obligor does not timely request a hearing to  
42 contest the issue of compliance and does not obtain a  
release from the department, the commissioner shall certify  
44 the obligor to the Secretary of State for noncompliance with  
a court order of support;

46 E. If the commissioner certifies the obligor to the  
48 Secretary of State, the Secretary of State must suspend any  
motor vehicle operator's licenses that the obligor holds and

2           the obligor's right to apply for or obtain a motor vehicle  
operator's license; and

4           F. If the obligor requests a hearing, the obligor shall  
direct the request to the department's support enforcement  
6           office that is responsible for handling the obligor's case.

8           The notice must include the address and telephone number of the  
department's support enforcement office that issues the notice  
10           and a statement of the need for the obligor to obtain a release  
from that office as provided in subsection 8. The department  
12           shall attach a copy of the obligor's court order of support to  
the notice. The notice must be served by certified mail, return  
14           receipt requested, by service in hand, or as specified in the  
Maine Rules of Civil Procedure. For purposes of this section, an  
16           authorized representative of the commissioner may serve the  
notice.

18           4. Administrative hearing. An obligor may request an  
20           administrative hearing within 20 days of service of the notice  
described in subsection 3. The request for hearing must be in  
22           writing and must be received by the department within 20 days.  
The department shall conduct the hearing in accordance with the  
24           requirements of Title 5, chapter 375, subchapter IV. The issues  
that may be considered at hearing are limited to whether the  
26           obligor is required to pay child support under a court order of  
support and whether the obligor is in compliance with a court  
28           order of support.

30           5. Decision after hearing. The department shall render a  
decision after hearing without undue delay as to whether the  
32           obligor is in compliance with the obligor's court order of  
support. The decision must be based on the hearing record and  
34           rules adopted by the commissioner. The decision must inform the  
obligor that the obligor may file a petition for judicial review  
36           of the decision within 30 days of the date of the decision. The  
department shall send an attested copy of the decision to the  
38           obligor by regular mail to the obligor's most recent address of  
record.

40           6. Stay. If an obligor timely requests a hearing to  
42           contest the issue of compliance, the department may not certify  
the name of the obligor to a board for noncompliance with a court  
44           order of support until the department issues a decision after  
hearing that finds the obligor is not in compliance with a court  
46           order of support.

48           7. Certification. The commissioner shall certify in  
writing to the Secretary of State that a support obligor is not  
50           in compliance with a court order of support if:

2           A. The obligor does not timely request a hearing upon  
4           service of a notice issued under subsection 3 and is not in  
6           compliance with a court order of support 21 days after  
8           service of the notice;

10           B. The department issues a decision after hearing that  
12           finds the obligor is not in compliance with a court order of  
14           support; or

16           C. The court enters a judgment on a petition for judicial  
18           review that finds the obligor is not in compliance with a  
20           court order of support.

22           The department shall send by regular mail a copy of any  
24           certification of noncompliance filed with the Secretary of State  
26           to the obligor at the obligor's most recent address of record.

28           8. Release. When an obligor who is served notice under  
30           subsection 3 subsequently complies with the court order of  
32           support, the department shall issue the obligor a release that  
34           states the obligor is in compliance with the order.

36           9. Rulemaking. The department shall adopt rulemaking to  
38           implement and enforce the requirements of this section.

40           10. Agreement. The department may enter into an agreement  
42           with the Secretary of State to carry out the requirements of this  
44           section.

46           11. Motion to modify support. Nothing in this section  
48           prohibits a support obligor from filing a motion to modify  
50           support with the court or from requesting the department to amend  
              a support obligation established by an administrative decision.

12. Program review. In furtherance of the public policy of  
              increasing collection of child support, the department shall  
              report the following to the Legislature and the Governor on July  
              1, 1995:

A. The number of notices served upon support obligors by  
              the department under this section;

B. The number of obligors served notice under this section  
              who request a hearing;

C. The number of hearings held under this section, the  
              results of the hearings and the number of cases settled  
              without a hearing;

2        D. The number of support obligors certified to the  
3        Secretary of State for noncompliance with a court order of  
4        support under this section; and

5        E. The costs incurred in the implementation and enforcement  
6        of this section and the department's estimate of the amount  
7        of child support collected due to the department's actions  
8        under this section.

10       **Sec. 5. 19 MRSA §498-E is enacted to read:**

12       **§498-E. Health insurance withholding order**

14       **1. Issuance of order.** The department on its own behalf, on  
15       behalf of a custodial parent who applies for the department's  
16       support enforcement services or on behalf of another state's  
17       Title IV-D agency, political subdivision or agent may issue a  
18       responsible parent's employer or other payor of income a health  
19       insurance withholding order to enforce a responsible parent's  
20       obligation to obtain or maintain health insurance coverage or  
21       other health care services for the responsible parent's dependent  
22       child or children. A health insurance withholding order must be  
23       accompanied by a sworn statement issued by an authorized  
24       representative of the commissioner that states the responsible  
25       parent is required by a court order or administrative decision to  
26       obtain or maintain health insurance coverage or other health care  
27       services for the dependent child or children named in the health  
28       insurance withholding order and has failed to provide the  
29       department with proof of coverage as required by law.

30       **2. Employer notice.** A health insurance withholding order  
31       must be accompanied by an employer notice that contains the  
32       substance of subsections 3 to 16.

33       **3. Duty to enroll.** An employer or other payor of income  
34       served with a health insurance withholding order shall enroll the  
35       employee's dependent child or children named in the withholding  
36       order as covered persons in a group health insurance plan or  
37       other similar plan providing health care services or coverage  
38       offered by the employer, if the children are eligible for such  
39       coverage under the employer's enrollment provisions, and deduct  
40       any required premiums from the employee's earnings to pay for the  
41       insurance.

42       **4. Choice of plan.** If more than one plan is offered by the  
43       employer, the employer shall enroll qualified children  
44       prospectively in the insurance plan in which the employee is  
45       enrolled or, if the employee is not enrolled, in the least costly  
46       plan otherwise available, providing that the plan's services are  
47       available where the children reside. If the services of the  
48       insurance plan are not available where the children reside, the  
49       employer shall enroll the children in the least costly plan  
50       available where the children reside.

2 employee's plan or the least costly plan are not available where  
3 the children reside, the employer shall enroll qualified children  
4 prospectively in the least costly plan that is available where  
5 the children reside.

6 5. Answer. An employer shall respond to a health insurance  
7 withholding order in writing within 30 days of service. The  
8 employer shall advise the department of the plan in which the  
9 children are enrolled or if the children are ineligible for any  
10 plan through the employer. The department shall include a  
11 preprinted answer form for the employer's use and shall include  
12 the form and a prepaid, self-addressed envelope with each health  
13 insurance withholding order.

14  
15 6. Mistake of fact; affirmative defenses. A responsible  
16 parent may claim a mistake of fact or assert affirmative defenses  
17 to contest the issuance of a health insurance withholding order.  
18 The department shall establish by rule an administrative process  
19 for reviewing claims of mistake and investigating affirmative  
20 defenses.

21  
22 7. Duration of order. A health insurance withholding order  
23 remains in force until the employee terminates employment, the  
24 employer or other payor of earnings is released from the order in  
25 writing by the department or release is ordered by a court of  
26 competent jurisdiction.

27  
28 8. Change of plan. After it is initially determined in  
29 response to a health insurance withholding order that a child is  
30 eligible for coverage, the employer must make subsequent  
31 enrollment changes to include the child if the group health  
32 insurance plan is changed and provide notices of any changes in  
33 coverage to the department.

34  
35 9. Fee. The commissioner may establish by rule a fee that  
36 an employer may charge an employee for each withholding and for a  
37 change of plan.

38  
39 10. Failure to honor. Failure of an employer or other  
40 payor of earnings to comply with the requirements of a health  
41 insurance withholding order is a civil violation for which the  
42 department may recover up to \$1,000 in a civil action.

43  
44 11. Priority of order. A health insurance withholding  
45 order has priority over any previously filed attachment,  
46 execution, garnishment or assignment of earnings that is not for  
47 the purpose of enforcing or paying a child support obligation.  
48

2           12. Employer protected. The department shall defend and  
hold harmless any employer or other payor of earnings who honors  
a health insurance withholding order.

4  
6           13. Immunity. The employer may not be held liable for  
medical expenses incurred on behalf of a dependent child or  
8           children because of the employer's failure to enroll the  
dependent child or children in a health insurance or health care  
plan after being directed to do so by the department.

10  
12           14. Employee protected. An employer who discharges,  
refuses to employ, or takes disciplinary action against a  
14           responsible parent, or who otherwise discriminates against that  
parent because of the existence of the order or the obligation  
16           the order imposes upon the employer, is subject to a civil  
penalty of not more than \$5,000 payable to the State, to be  
18           recovered in a civil action. The employer is also subject to an  
action by the responsible parent for compensatory and punitive  
damages, plus attorney's fees and court costs.

20  
22           15. Service. A health insurance withholding order must be  
served on the responsible parent's employer or other payor of  
24           earnings. Service may be by certified mail, return receipt  
requested, by an authorized representative of the commissioner,  
26           by personal service as permitted by Rule 4 of the Maine Rules of  
Civil Procedure or as otherwise may be permitted by sections  
492-A and 494. The department shall send a copy of the health  
28           insurance withholding order to the responsible parent at the  
responsible parent's most recent address of record.

30  
32           16. Withholding orders combined. The department may  
combine a health insurance withholding order with a child support  
34           income withholding order issued under section 498-C.

36           17. Rulemaking. The department shall adopt rulemaking to  
implement and enforce the requirements of this section.

38           **Sec. 6. 19 MRSA §502, first ¶,** as repealed and replaced by PL  
1985, c. 652, §32, is amended to read:

40  
42           The following exemptions shall apply to weekly earnings. An  
~~amount equal to 30 times the federal minimum wage, as prescribed~~  
44           ~~by the United States Code, Title 29, Section 206(a)(1), shall be~~  
~~exempt from an order to withhold and deliver, garnishment,~~  
46           ~~automatic withholding or any other proceeding under this chapter~~  
regarding weekly earnings. Except as otherwise provided in this  
48           section, any property otherwise exempt from trustee process,  
attachment and execution shall be exempt from an order to  
50           withhold and deliver, administrative seizure and disposition, and  
lien and foreclosure under this subchapter. The maximum part of



2 the aggregate disposable earnings of a responsible parent for any  
workweek which that is subject to garnishment, ~~--pursuant--to~~  
3 ~~section-504-or-504-A,-to-enforce-any-decision-entered-pursuant-to~~  
4 ~~section-498,-498-A,-500-or-515,-shall~~ or income withholding may  
not exceed:

6  
7 **Sec. 7. 22 MRSA §2761, sub-§4**, as amended by PL 1987, c. 187,  
8 is further amended to read:

10 **4. Illegitimate child.** Except as otherwise provided in  
11 this subsection, in the case of a child conceived and born out of  
12 wedlock, the name of the putative father shall may not be entered  
13 on the certificate without his written consent and that of the  
14 mother. The signature of the putative father on the written  
15 consent shall must be acknowledged before an official authorized  
16 to take oaths. The signature of the mother on her written consent  
17 shall must also be acknowledged before an official authorized to  
18 take oaths. If a determination of paternity has been made by a  
19 court of competent jurisdiction, then the name of the father as  
20 determined by the court shall must be entered on the birth  
21 certificate without the father's or the mother's consent. If the  
22 putative father executes an acknowledgement of paternity with the  
23 department and the putative father is either named in writing by  
24 the mother as the father or is presumed to be the father based on  
25 the results of blood or tissue-typing tests, the name of the  
26 father must be entered on the birth certificate without the  
27 father's or the mother's consent.

28  
29 **Sec. 8. 29 MRSA §791** is enacted to read:

30 **§791. Family financial responsibility**

31  
32 **1. Compliance with support orders.** In addition to other  
33 qualifications and conditions established by this Title, the  
34 right of an individual to hold a motor vehicle operator's license  
35 or permit issued by the State is subject to the requirements of  
36 Title 19, section 306.

37  
38 **2. Certification of noncompliance.** Upon receipt of a  
39 written certification from the Commissioner of Human Services as  
40 provided for in Title 19, section 306, subsection 7 that a  
41 support obligor who owns or operates a motor vehicle is not in  
42 compliance with a court order of support, the Secretary of State  
43 shall suspend the license and right to operate and obtain the  
44 license of the individual so certified. The Secretary of State  
45 may not reinstate an operator's license suspended for  
46 noncompliance with a court order of support until the  
47 Commissioner of Human Services issues a release that states the  
48 obligor is in compliance with a court order of support or the  
49 court orders reinstatement.

2 3. Notice of suspension. Upon suspending an individual's  
4 license, permit or privilege to operate under subsection 2, the  
6 Secretary of State must notify the individual of the suspension.  
8 A notice of suspension must specify the reason and statutory  
10 grounds for the suspension and the effective date of the  
12 suspension and may include any other notices prescribed by the  
14 Secretary of State. The notice must inform the individual that  
16 in order to apply for reinstatement, the individual must obtain a  
18 release from the Department of Human Services. The notice must  
20 inform the individual that the individual may file a petition for  
22 judicial review of the notice of suspension in Superior Court  
24 within 30 days of receipt of the notice. Notwithstanding any  
26 other provision of law, Title 5, section 9052, subsection 1 does  
28 not apply to a notice of suspension issued under this section.

30 4. Temporary license. Upon being presented with a  
32 conditional release issued by the Commissioner of Human Services  
34 and at the request of an individual whose operator's license,  
36 permit or privilege to operate has been suspended under this  
38 section, the Secretary of State may issue the individual a  
40 temporary license valid for a period not to exceed 120 days.

42 5. Rulemaking. The Secretary of State shall adopt  
44 rulemaking to implement and enforce the requirements of this  
46 section.

48 6. Costs. The Department of Human Services shall indemnify  
50 the Secretary of State for legal expenses incurred in defending  
52 the Secretary of State's actions to comply with the requirements  
54 of this section.

56 7. Agreement. The Secretary of State and the Department of  
58 Human Services may enter into an agreement to carry out the  
60 requirements of this section.

## 38 STATEMENT OF FACT

40 This bill promotes family financial responsibility through  
42 more stringent child support enforcement laws. This bill makes  
44 the following changes to the laws governing child support.

44 1. It requires that applicants for professional licensure  
46 or registration comply with child support laws; permits the  
48 Department of Human Services to report noncompliance to licensing  
boards; and prohibits issuance or renewal of a license to an  
applicant who is not in compliance.

2           2. It permits the Department of Human Services to issue a  
3 responsible parent's employer a health insurance withholding  
4 order to enforce a responsible parent's obligation to obtain or  
5 maintain health insurance coverage for the parent's dependent  
6 children.

7           3. It permits the Secretary of State to suspend the  
8 operator's license of a person who is not in compliance with a  
9 court order of child support.