

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1279, L.D. 1727, Bill, "An Act to Affect the Credit of People Who Are in Default of Child Support Payments"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Rights of People Who Are in Default of Child Support Payment'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 19 MRSA §305, sub-§2, ¶¶E and F, as enacted by PL 1993, c. 410, Pt. V, §4, are amended to read:

E. If the department certifies the obligor to a board for noncompliance with a court order of support, the board must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the board with a release from the department that states the obligor is in compliance with the obligor's support order. A revocation by an agency or a refusal by an agency to reissue, renew or otherwise extend the license or certificate of authority is deemed a final determination within the meaning of Title 5, section 10002; and

F. If the obligor files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department shall stay action to certify the obligor to any board for noncompliance with a court order of support; and

COMMITTEE AMENDMENT

R. & S.

Sec. 2. 19 MRSA §305, sub-§2, ¶G is enacted to read:

G. The obligor can come into compliance with a court order of support by:

(1) Paying current support;

(2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement with the department; and

(3) Meeting the obligor's health insurance obligation.

Sec. 3. 19 MRSA §305, sub-§3, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

3. **Administrative hearing.** An obligor may request an administrative hearing upon service of the notice described in subsection 2. The request for hearing must be made in writing and must be received by the department within 20 days of service. The department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter IV. The issues that may be considered determined at hearing are 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, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

Sec. 4. 19 MRSA §305, sub-§4-A is enacted to read:

4-A. Appeal to Superior Court. If the obligor appeals the department's decision under subsection 3, the Superior Court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

Sec. 5. 19 MRSA §305, sub-§6, ¶B, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

B. The department issues a decision after hearing that finds the obligor is not in compliance with a court order of support and the obligor has not appealed the decision within the 30-day appeal period provided in subsection 4; or

Sec. 6. 19 MRSA §306, sub-§3, ¶¶F and G, as enacted by PL 1993, c. 410, Pt. V, §4, are amended to read:

F. If the obligor requests a hearing, the obligor shall

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COMMITTEE AMENDMENT "A" to H.P. 1279, L.D. 1727

2 direct the request to the department's support enforcement
office that is responsible for handling the obligor's case;
and

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6 G. If the obligor files a motion to modify support with the
court or requests the department to amend a support
8 obligation established by an administrative decision, the
department shall stay action to certify the obligor to the
10 Secretary of State for noncompliance with a court order of
support; and

12 **Sec. 7. 19 MRSA §306, sub-§3, ¶H** is enacted to read:

14 H. The obligor can come into compliance with a court order
of support by:

16 (1) Paying current support;

18 (2) Paying all past-due support or, in unable to pay
20 all past-due support and a periodic payment for
past-due support has not been ordered by the court, by
22 making periodic payments in accordance with a written
payment agreement with the department; and

24 (3) Meeting the obligor's health insurance obligation.

26 **Sec. 8. 19 MRSA §306, sub-§4,** as enacted by PL 1993, c. 410,
28 Pt. V, §4, is amended to read:

30 4. **Administrative hearing.** An obligor may request an
32 administrative hearing within 20 days of service of the notice
described in subsection 3. The request for hearing must be in
writing and must be received by the department within 20 days.
34 The department shall conduct the hearing in accordance with the
requirements of Title 5, chapter 375, subchapter IV. The issues
36 that may be ~~considered~~ determined at hearing are limited to
whether the obligor is required to pay child support under a
38 court order of support and whether the obligor is in compliance
with a court order of support, although the obligor may raise
40 additional issues, including the reasonableness of a payment
agreement in light of the obligor's current circumstances, to be
42 preserved for appeal.

44 **Sec. 9. 19 MRSA §306, sub-§5-A** is enacted to read:

46 5-A. Appeal to Superior Court. If the obligor appeals the
department's decision under subsection 4, the Superior Court may
48 hear and determine any issues raised at the hearing, including
the reasonableness of a payment agreement in light of the
50 obligor's current circumstances.

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2 that if the department's decision after the hearing is appealed,
the Superior Court may hear and determine any issues, not just
those mentioned for determination in the hearing.

4
6 This amendment clarifies that after the department issues a
decision after a hearing, it must wait at least 30 days before
certifying to a licensing authority that the obligor is not in
8 compliance with a child support order. This allows the obligor
the opportunity to appeal the department's decision during the
10 established appeal period.

12 This amendment corrects an error concerning certification to
the Secretary of State.

14 This amendment also adds a fiscal note to the bill.