

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1727

H.P. 1279

House of Representatives, January 13, 1994

An Act to Affect the Credit of People Who Are in Default of Child Support Payments.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SAXL of Bangor.

Cosponsored by Representatives: CARON of Biddeford, COTE of Auburn, KETTERER of Madison, TREAT of Gardiner, Senators: BERUBE of Androscoggin, CONLEY of Cumberland.

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

4 Sec. 1. 10 MRSA §1329, sub-§5 is enacted to read:

6 5. Required reporting. The Department of Human Services
8 shall provide consumer reporting agencies with information
10 regarding the amount of overdue child support owed by a parent
12 when the department has determined that the parent is not in
14 compliance with an order of child support as defined in Title 19,
section 308. Prior to providing the information, the department
shall provide the obligor parent with notice of the proposed
action. The parent must be given 20 days in which to contest the
accuracy of the information before the information is provided to
the consumer reporting agency.

16 Sec. 2. 10 MRSA §§8005 and 8006, as enacted by PL 1993, c.
18 410, Pt. V, §1, are repealed.

20 Sec. 3. 12 MRSA §§6308 and 6309, as enacted by PL 1993, c.
410, Pt. V, §2, are repealed.

22 Sec. 4. 12 MRSA §§7079-A and 7079-B, as enacted by PL 1993,
24 c. 410, Pt. V, §3, are repealed.

26 Sec. 5. 19 MRSA §§305 and 306, as enacted by PL 1993, c. 410,
Pt. V, §4, are repealed.

28 Sec. 6. 19 MRSA §308 is enacted to read:

30 §308. Report of family financial responsibility

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

36 A. "Department" means the Department of Human Services.

38 B. "In compliance with an order of child support" means
40 that the support obligor is no more than 90 days in arrears
42 in making payments in full for current support, in making
44 periodic payments on a support arrearage pursuant to a
written agreement with the department or in making periodic
payments as set forth in a court order of child support and
has obtained or maintained health insurance coverage if
required by a court order of child support.

46 C. "Order of child support" means any judgment or order for
48 the support of dependent children issued by any court of
50 this State or another state, including an order in a final
decree of divorce or any judgment or order issued in

2 accordance with an administrative procedure established by
3 state law that affords substantial due process and is
4 subject to judicial review.

5 **2. Required reporting.** The department shall provide
6 consumer reporting agencies with information regarding the amount
7 of overdue child support owed by a parent when the department has
8 determined that the parent is not in compliance with an order of
9 child support. Prior to providing the information, the
10 department shall provide the obligor parent with notice of the
11 proposed action. The department shall provide to the parent 20
12 days in which to contest the accuracy of the information before
13 the information is provided to the consumer reporting agency.

14 **Sec. 7. 19 MRSA §498, sub-§2, ¶F,** as amended by PL 1985, c.
15 652, §26, is further amended to read:

16 F. A statement that the property of the responsible parent
17 may be subject to lien and foreclosure, administrative
18 seizure and disposition, order to withhold and deliver or
19 other collection actions and that any debt determined to be
20 owed by the responsible parent ~~may~~ will be reported to a
21 consumer reporting agency;

22 **Sec. 8. 19 MRSA §498-A, sub-§2, ¶F,** as repealed and replaced
23 by PL 1989, c. 337, §4, is amended to read:

24 F. A statement that the property of the responsible parent
25 may be subject to lien and foreclosure, administrative
26 seizure and disposition, order to withhold and deliver or
27 other collection actions and that any debt determined to be
28 owed by the responsible parent ~~may~~ will be reported to a
29 consumer reporting agency;

30 **Sec. 9. 19 MRSA §500, sub-§1, ¶C,** as amended by PL 1985, c.
31 652, §30, is further amended to read:

32 C. A statement that any property of the debtor is subject
33 to lien and foreclosure, administrative seizure and
34 disposition, order to withhold and deliver or other
35 collection actions and that any debt determined to be owed
36 by the responsible parent ~~may~~ will be reported to a consumer
37 reporting agency;

38 **Sec. 10. 29 MRSA §791,** as enacted by PL 1993, c. 410, Pt. V,
39 §14, is repealed.

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STATEMENT OF FACT

This bill ensures that parents who fail to pay child support suffer appropriate consequences. This bill requires the Department of Human Services to report obligated parents to consumer reporting agencies when the parent is more than 90 days in arrears in paying current support or in making payments for past support. The department must notify parents that credit reports will be made and must give each parent at least 20 days to contest the accuracy of the information. Under current law, the department is authorized to report debts due to the department and is required to provide information about child support debts when requested by a consumer reporting agency.

This bill repeals the provisions adopted in Public Law 1993, chapter 410, Part V, that authorize the suspension, revocation and denial of professional and motor vehicle licenses for parents who owe child support.



This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.