

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 22, L.D. 47, Bill, "An Act Concerning the Responsibility of Prisoners for Family Support"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 30-A MRSA §1607 is enacted to read:

§1607. Family support

A prisoner may not participate in a work program under section 1605 or any other program administered by the sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of that money for the support of any dependent child if the parent, legal guardian or legal custodian of the child requests that payment. Upon the written request of a parent, legal guardian or legal custodian, the sheriff of the county jail where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of the dependent child. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Human Services.

Sec. 2. 34-A MRSA §3039-A is enacted to read:

§3039-A. Family support

COMMITTEE AMENDMENT

2 A prisoner may not participate in an industry program under
4 section 1403, a work program under section 3035 or any other
6 program administered by the department by which a prisoner is
8 able to generate money unless the prisoner consents to pay at
10 least 25% of that money for the support of any dependent child if
12 the parent, legal guardian or legal custodian of the child
14 requests that payment. Upon the written request of a parent,
16 legal guardian or legal custodian, the chief administrative
18 officer of the correctional facility where the prisoner is
20 incarcerated shall collect and disburse to the parent, legal
22 guardian or legal custodian that portion of the prisoner's money
24 to be paid for the support of the dependent child. This section
26 does not apply to any prisoner making payments for the support of
28 a dependent child pursuant to a support order issued by a court
30 or by the Department of Human Services.

SUMMARY

20 This amendment makes several changes to the bill.

22 It eliminates the following:

- 24 1. The Class D crime of defrauding a creditor;
- 26 2. The requirement that a court order for support exist;
- 28 3. The requirement that the Commissioner of Corrections
- 30 keep the courts informed as to a prisoner's work history and
- 32 performance; and
- 34 4. The requirement that spousal support be paid.

36 This amendment requires a prisoner to consent to pay at
38 least 25% of the prisoner's earnings toward child support before
40 the prisoner may participate in a program through which the
prisoner is able to generate money. It permits a parent, legal
guardian or legal custodian of the child to request payments from
the facility housing the prisoner.

42 It applies to both state and county facilities, and it
44 excludes prisoners already making child support payments pursuant
to an order issued by a court or by the Department of Human
Services.

COMMITTEE AMENDMENT