

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

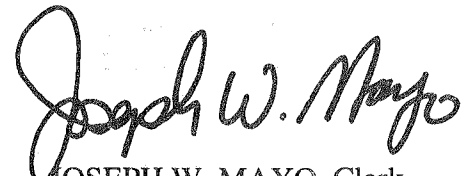
No. 47

H.P. 22

House of Representatives, January 9, 1997

An Act Concerning the Responsibility of Prisoners for Family Support.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of
Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine.

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

4 **Sec. 1. 34-A MRS §3039, sub-§4 is enacted to read:**

6 4. Family support. From money available to the offender
8 from any source, or that could be available if the offender
10 accepted and satisfactorily performed available work, a committed
12 offender in a correctional facility shall pay, at times
14 prescribed by the court, up to 25% of that money, as needed, to
16 fulfill the requirements of a court order for support of a
18 spouse, a former spouse and any children of the offender. This
20 payment is in addition to any other payments that may be required
by Title 19, chapter 7. A committed offender who is under a
court order for support shall retain in that offender's account
until the support for the period is paid at least 25% of the
offender's income for that period. A committed offender commits
the crime of defrauding a creditor if that offender removes money
from the offender's account for the purpose of avoiding the
obligations of this subsection. Defrauding a creditor is a Class
D crime.

22 In considering whether to reduce a committed offender's support
24 obligations that were determined before incarceration, the court
26 may not reduce these obligations below the requirements of this
28 subsection. The commissioner shall keep the courts informed as
30 to whether the committed offender has declined work opportunities
or work opportunities have been terminated because of
dissatisfaction with the offender's performance. In determining
the nonworking committed offender's support obligations, the
court shall consider the fact that the offender could be drawing
income by working, if that is the case.

32 If an offender meets the obligations of this section while
34 incarcerated, the offender at any time after release may petition
36 the court based on proven inadequate assets or income to suspend
38 or waive support obligations to the State that may have been
incurred during incarceration.

40 **SUMMARY**

42 This bill requires that an offender incarcerated in a state
44 correctional facility pay up to 25% of the money in that person's
46 account in the facility, or that could be in the account by
48 virtue of the offender's working, in order to meet the provision
50 of any court-ordered support or alimony, including that of a
52 spouse or former spouse regardless of whether that spouse has
custody of any of the person's children. The offender must
maintain at least 25% of the offender's income in the offender's
account in order to meet the support obligations. Shifting money
out of the offender's account in order to escape these provisions
is fraudulent conveyance, which is a Class D crime.