

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 912

H.P. 659

House of Representatives, February 6, 1997

An Act to Ensure Access to Child Support for Low-income Children.

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Portland.
Cosponsored by Senator MICHAUD of Penobscot and
Representatives: BROOKS of Winterport, ETNIER of Harpswell, FULLER of Manchester,
KERR of Old Orchard Beach, MARVIN of Cape Elizabeth, THOMPSON of Naples,
Senators: PARADIS of Aroostook, PINGREE of Knox.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** state law providing for the pass-through of child
6 support to low-income families receiving assistance from the Aid
to Families with Dependent Children program terminates on April
8 1, 1997; and

10 **Whereas,** families receiving child support under this
provision have very low incomes and depend on these payments to
12 provide for their basic necessities; and

14 **Whereas,** the pass-through of this portion of child support
payments directly to the children on whose behalf it is paid
16 provides a significant incentive for absent parents to make child
support payments; and

18 **Whereas,** in the judgment of the Legislature, these facts
20 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 22 MRSA §3760-J** is enacted to read:

28 **§3760-J. Child support pass-through**

30 The first \$50 of any child support payments for a month
32 received in that month, and the first \$50 of payments for each
34 prior month received in that month that were made by the absent
parent in the month when due, must be paid to the family without
36 affecting its eligibility for assistance or decreasing any amount
otherwise payable as assistance to the family during that month.

38 **Sec. 2. PL 1995, c. 707, Pt. B, §§2 and 3** are amended to read:

40 **Sec. B-2. Authorization to expend Federal Block Grant Funds.** The
Department of Human Services may expend Federal Block Grant Funds
42 provided to the State under the federal Personal Responsibility
and Work Opportunity Reconciliation Act of 1996 in accordance
44 with federal allocation and certain related Other Special Revenue
allocation levels previously authorized by the 117th Legislature
46 and in accordance with the Department of Human Services rules
existing on the effective date of this Part on pass-through of
48 child support funds, ~~except that authority to expend funds on the~~

~~pass-through-of-child-support-funds-terminates-on-April-1,-1997.~~
2 If the amount of block grant funds received under the federal
4 Personal Responsibility and Work Opportunity Reconciliation Act
6 of 1996, however, is greater than the amount previously allocated
8 by the 117th Legislature, the additional amounts accrue in the
federal Personal Responsibility and Work Opportunity
Reconciliation Act of 1996 Block Grant account until allocation
of these funds by the Legislature.

10 **Sec. B-3. Compliance with federal law.** Notwithstanding any other
12 provision of law, the Department of Human Services shall comply
14 with all federal block grant funding restrictions under the
16 federal Personal Responsibility and Work Opportunity
18 Reconciliation Act of 1996. The department shall also expend
20 federal Personal Responsibility and Work Opportunity
Reconciliation Act of 1996 Federal Block Grant Funds within the
limitations of section 5 of this Part to maintain all state
welfare programs authorized on the effective date of this Part by
state laws and rules, except that authority to expend funds on
~~the--pass-through-of-child-support-funds--and~~ legal immigrant
families terminates on April 1, 1997.

22 **Emergency clause.** In view of the emergency cited in the
24 preamble, this Act takes effect when approved.

26 SUMMARY

28 Until recently, families receiving Aid to Families with
30 Dependent Children benefits have been eligible to receive the
32 first \$50 of any child support payment made on behalf of children
34 in that family in a month. This payment was called the child
support pass-through. Federal law requiring this pass-through of
child support was repealed by the Personal Responsibility and
36 Work Opportunity Reconciliation Act of 1996. The Legislature
voted in the Special Session convened in September 1996 to
continue the child support pass-through until April 1, 1997.
38 This bill continues the child support pass-through beyond that
date.