MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1154

H.P. 849

House of Representatives, February 20, 1997

An Act to Repeal the Requirement That Employers Garnish the Wages of Their Employees Who Owe Child Support.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal. Cosponsored by Representative BUCK of Yarmouth.

	Be it	Be it enacted by the People of the State of Maine as follows:		
2	694,	Sec. 1. 19-A MRSA §2304, sub-§1, ¶H, as enacted by PL 1995, c. Pt. B, §2 and affected by Pt. E, §2, is amended to read:		
6		H. That, after a decision is issued, the department may		
8		enforce the decision by any lawful means, including immediate incomewithholding, lien and foreclosure,		
10		administrative seizure and disposition, order to withhold and deliver and tax refund intercept; and		
12	694,	Sec. 2. 19-A MRSA §2304, sub-§2, ¶C, as enacted by PL 1995, c. Pt. B, §2 and affected by Pt. E, §2, is amended to read:		
14 16		C. That, if the department issues a decision that establishes a responsible parent's support obligation, the		
18		department may enforce the decision by any lawful means, including immediate incomewithholding, lien and foreclosure, administrative seizure and disposition, order		
20		to withhold and deliver and tax refund intercept; and		
22	694,	Sec. 3. 19-A MRSA §2304, sub-§4, ¶B, as enacted by PL 1995, c. Pt. B, §2 and affected by Pt. E, §2, is repealed.		
24 26	694,	Sec. 4. 19-A MRSA §2304, sub-§4, ¶C, as enacted by PL 1995, c. Pt. B, §2 and affected by Pt. E, §2, is amended to read:		
28		C. That, 30 days after the decision is issued, the department may enforce the decision by any lawful means,		
30		including immediate incomewithholding, lien and foreclosure, administrative seizure and disposition, order		
32		to withhold and deliver and tax refund intercept;		
34	694,	Sec. 5. 19-A MRSA §2304, sub-§5, as enacted by PL 1995, c. Pt. B, §2 and affected by Pt. E, §2, is amended to read:		
36		5. Collection action. The department may initiate		
38		ection action 30 days after the date of mailing of a sion. If-a-decision includes an immediate income-withholding		
40		r,thedepartmentmayimplementthewithholdingorderte- eet-eurrent-suppert-immediately-after-the-decision-is-issued-		
42		Sec. 6. 19-A MRSA §2306, as enacted by PL 1995, c. 694, Pt.		
44	в, §	2 and affected by Pt. E, §2, is repealed.		

694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 7. 19-A MRSA §2308, sub-§16, as enacted by PL 1995, c.

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	Sec. 8. 19-A MRSA §2358, sub-§§1 and 5, as enacted by PL 1995,
2	c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:
4	1. Service of order. The commissioner may serve on any person an order to withhold and deliver any property, including
6	<pre>excluding wages, that is due or belongs to the responsible parent when:</pre>
8	
10	A. A lien has been filed pursuant to former Title 19, section 503 or 503-A or section 2357; or
12	B. Twenty-one days have elapsed from the date of receipt of a notice of debt under section 2352 or 30 days after the
14	date of mailing to a responsible parent of a decision of the department that requires the responsible parent to pay child
16	support.
18	5. Withhold and deliver. A person served with an order to withhold and deliver shall withhold immediately any property,
20	ineluding excluding wages, due to or belonging to the responsible
22	parent. After 20 days from the date of receipt of this order and upon demand of the commissioner, the property of the responsible
24	parent must be delivered to the commissioner.
24	Sec. 9. 19-A MRSA §2359, sub-§1, as enacted by PL 1995, c.
26	694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:
28	1. Order to withhold; commissioner may serve. The commissioner may direct any person by order to withhold property,
3.0	ineluding excluding wages, that is due or belongs to the responsible parent when the responsible parent has failed to make
32	payments under a support order and the amount in arrears is at least equal to the support payable for one month. The
34	commissioner shall serve the order on the person directed to withhold.
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38	Sec. 10. 19-A MRSA §2359, sub-§5, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.
40	SUMMARY
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44	This bill abolishes the requirement that employers withhold the wages of an employee who owes child support payments.