

MAINE STATE LEGISLATURE

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DATE: *May 21, 1997*

(Filing No. S-294)

JUDICIARY

Reported by: *Senator Longley*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "*A*" to S.P. 454, L.D. 1428, Bill, "An Act to Amend the Child Support Laws Concerning Seize and Sell Orders and Reunited Families"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens'

Further amend the bill by striking out all of Part A.

Further amend the bill in Part B by striking out all of the first line (page 3, line 41 in L.D.)

Further amend the bill in Part B by striking out all of sections 1, 2 and 3 and inserting in their place the following:

'Sec. B-1. 19-A MRS §2357, sub-§5 is enacted to read:

5. Notice and hearing prior to disposition. When the department is provided with reliable information that another person, in addition to the responsible parent, has an ownership interest in the property of the responsible parent subject to a support lien, the department shall provide written notice to the other person before the foreclosure or other disposition of the property explaining that:

A. The department has a support lien against the property; and

2 B. The person may request a hearing to establish the value
4 of that person's interest in the property before the
foreclosure or other disposition of the property.'

6 Further amend the bill in Part B by striking out all of
8 section 6 and inserting in its place the following:

10 'Sec. B-6. 19-A MRSA §2364, sub-§3 is enacted to read:

12 3. Liens; hearing to determine ownership interest. Before
the foreclosure, the obligor and any other persons who claim an
ownership interest in the property subject to the lien have a
right to an administrative hearing to establish the value of
their relative interest in the property. A request for a hearing
must be in writing and must be received by the department within
10 calendar days of the notice of the foreclosure. Upon
receiving a request for a hearing, the department shall notify
all persons the department has reason to believe have an
ownership interest in the property of the time, place and nature
of the hearing. At the hearing, the hearing officer shall
determine the value of the interests of all persons with an
ownership interest in the property.'

24 Further amend the bill by relettering or renumbering any
26 nonconsecutive Part letter or section number to read
consecutively.

28 Further amend the bill by inserting at the end before the
30 summary the following:

32 **FISCAL NOTE**

34 The additional costs associated with providing a written
36 notice and the opportunity for an administrative hearing under
certain circumstances can be absorbed by the Department of Human
Services utilizing existing budgeted resources.'

40 **SUMMARY**

42 This amendment deletes from the bill provisions on
collecting child support debts from reunited families. It
44 deletes provisions on providing notice to co-owners of property
when the Department of Human Services places a child support lien
46 against property.

48 This amendment requires the department to provide notice to
co-owners before a foreclosure or other disposition of property

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2 that is the subject of an enforcement action. The co-owners must
be provided with an opportunity for a hearing to determine the
value of their interest before the property is sold.

4 The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT