

# MAINE STATE LEGISLATURE

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JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 1289, L.D. 1834, Bill, "An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws"

Amend the bill in section 4 in subsection 8 in the 6th and 7th lines (page 1, lines 37 and 38 in L.D.) by striking out the following: "If a hearing is requested, the department is represented at the hearing by counsel."

Further amend the bill in section 7 by striking out all of subsection 13 and inserting in its place the following:

'13. Support order. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.'

Further amend the bill in section 8 in that part designated "§2105." in the first line (page 2, line 29 in L.D.) by striking out the following: "Additional" and inserting in its place the following: 'State'

Further amend the bill in section 8 in that part designated "§2105." in the first paragraph in the 6th line (page 2, line 36 in L.D.) by inserting after the following: "person is" the following: 'seeking or has been'

COMMITTEE AMENDMENT

2 Further amend the bill in section 26 in that part designated  
4 "§2603-A." by inserting at the end a new paragraph to read:

6 'The court shall notify the Secretary of State of a driver's  
8 license suspension ordered pursuant to this section. Upon  
10 receipt of such an order, the Secretary of State shall  
12 immediately notify the person of the court order of suspension.  
14 The Secretary of State may not terminate a suspension issued  
16 pursuant to this section until the court orders reinstatement and  
18 the person pays a reinstatement fee to the Secretary of State.  
20 The court shall immediately notify the Secretary of State when a  
22 person complies with a child support order. The court orders of  
24 suspension and reinstatement must be on a form acceptable to the  
26 Secretary of State.'

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

#### FISCAL NOTE

22 The net General Fund impact of this bill can not be  
24 determined at this time. The Department of Human Services will  
26 experience an increase in Other Special Revenue generated by  
28 child support collections as a result of the changes in  
30 enforcement laws and procedures. The additional dedicated  
32 revenue is expected to accrue beginning in the second half of  
34 fiscal year 1997-98. In that year, the amount of revenue will be  
relatively insignificant. Fiscal year 1998-99 revenue is  
expected to increase by a greater amount, potentially in excess  
of \$4,000,000 on an annual basis. Depending on the actual  
increase in collections, General Fund savings may be available  
for deappropriation beginning in fiscal year 1998-99.

36 The Department of the Attorney General will realize some  
38 minor savings from permitting the Department of Human Services to  
40 resolve paternity issues in court without involving the  
department.

42 The Department of Inland Fisheries and Wildlife may  
44 experience minor annual decreases in certain fee revenue and  
46 minor annual increases in costs due to the changes in the license  
revocation provisions. These reductions may be partially offset  
by minor increases in revenue from reinstatement fees.

48 The Judicial Department will incur some minor additional  
costs to issue orders to prevent the issuance or renewal of  
licenses and to notify the Secretary of State of license

suspensions and reinstatements. These costs can be absorbed within the Judicial Department's existing budgeted resources.'

SUMMARY

This amendment clarifies that if a child support enforcement hearing is requested by the obligor, the Commissioner of Human Services may be represented at the hearing by designated employees who are not attorneys.

The amendment conforms the definition of "support order" to that found in L.D. 1835, section 25, which is based on the federal definition of "support order" in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The amendment allows the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. The change is intended to give the courts more flexibility for giving notice and maximizes federal funding for work related to child support done by the courts.

The amendment requires the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

The amendment also adds a fiscal note to the bill.