

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. 1290, L.D. 1835, Bill, "An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws and Recovery of Overissued Food Stamps"

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

'An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 9-B MRSA §163, as amended by PL 1997, c. 16, §1, is further amended to read:

§163. Subpoena, summons, warrant or court order

1. Service. A fiduciary institution shall disclose financial records under section 162 pursuant to a subpoena, summons, warrant or court order that on its face appears to have been issued upon lawful authority only if the subpoena, summons, warrant or court order is served upon the customer prior to disclosure by the fiduciary institution. The agency or person requesting the disclosure of financial records shall certify in writing to the fiduciary institution the fact that the subpoena, summons, warrant or court order has been served upon the customer. The court for good cause shown may delay or dispense with service of the subpoena, summons, warrant or court order upon the customer. The court shall delay or dispense with

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service of the subpoena, summons, warrant or court order upon the customer upon notice by the Attorney General, the Attorney General's designee or the District Attorney that service upon the customer would not be in the public interest. A subpoena, summons or warrant issued in connection with a criminal proceeding or federal grand jury proceeding, a request for information by the Department of Human Services for purposes related to establishing, modifying or enforcing a child support order or a trustee process lawfully issued need not be served upon the customer.'

Further amend the bill by inserting after section 7 the following:

Sec. 8. 14 MRSA §3128-A, sub-§1, as amended by PL 1995, c. 694, Pt. D, §18 and affected by Pt. E, §2, is further amended to read:

1. Order; exceptions. If a child support obligor claims inability to pay in a disclosure proceeding under section 3125 or Title 19-A, section 2361, the court may order the obligor to seek employment or participate in work activities as defined by section 407(d) of the Social Security Act, and make progress reports on that activity to the court or the Department of Human Services unless:

A. The obligor proves by a preponderance of the evidence that the obligor is engaged in diligent, bona fide efforts to seek work; or

B. The obligor proves by a preponderance of the evidence that the obligor does not have the ability to seek work.

Sec. 9. Effective date. That part of this Act that amends the Maine Revised Statutes, Title 14, section 3128-A, subsection 1 takes effect October 1, 1997.'

Further amend the bill in section 11 in that part designated "**§908.**" by striking out all of the indented paragraph (page 3, lines 47 to 50 and page 4, lines 1 to 4 in L.D.) and inserting in its place the following:

'An individual who is a party to a divorce action must disclose that individual's social security number to the court. The social security number of any individual who is subject to a divorce decree must be placed in the court records relating to the decree. The record of an individual's social security number is confidential and is not open to the public. The court shall disclose an individual's social security number to the department for child support enforcement purposes.'

2 Further amend the bill in section 19 in that part designated
3 "§1615." in subsection 1 in the 6th line (page 7, line 8 in L.D.)
4 by striking out the following: "is party" and inserting in its
5 place the following: 'is a party'

6
7 Further amend the bill in section 28 in that part designated
8 "§2151." in the 3rd line from the end (page 12, line 15 in L.D.)
9 by striking out the following: "entitled" and inserting in its
10 place the following: 'permitted access'

11
12 Further amend the bill in section 37 in subsection 9 in the
13 2nd line (page 15, line 6 in L.D.) by striking out the
14 following: "Commission" and inserting in its place the
15 following: 'Board'

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17 Further amend the bill in section 46 in subsection 14 in the
18 2nd line from the end (page 19, line 41 in L.D.) by striking out
19 the following: "deemed"

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21 Further amend the bill by striking out all of section 57.

22
23 Further amend the bill by inserting after section 59 the
24 following:

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26 '**Sec. 60. Appropriation.** The following funds are appropriated
27 from the General Fund to carry out the purposes of this Act.

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29
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	1997-98	1998-99
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31
32 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

33
34 **Bureau of Taxation**

35
36 All Other \$5,000 \$5,000

37
38 Provides funds to support
39 computer programming costs
40 associated with child support
41 enforcement.'

42
43 Further amend the bill by relettering or renumbering any
44 nonconsecutive Part letter or section number to read
45 consecutively.

46
47 Further amend the bill by inserting at the end before the
48 summary the following:

COMMITTEE AMENDMENT

2

FISCAL NOTE

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1997-98

1998-99

6

APPROPRIATIONS/ALLOCATIONS

8

General Fund

\$5,000

\$5,000

10

The net General Fund impact of this bill can not be determined at this time. The Department of Human Services will experience an increase in Other Special Revenue generated by child support collections as a result of the federally mandated changes in enforcement laws. The additional revenue is expected to accrue beginning in the second half of 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 \$2,000,000 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.

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The Bureau of Taxation will require additional General Fund appropriations of \$5,000 and \$5,000 in fiscal years 1997-98 and 1998-99, respectively, for computer programming to administer the disclosure requirements for child support enforcement purposes.

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

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SUMMARY

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This amendment amends the current law on orders to seek work to conform with federal law concerning appropriate work activities. This amendment deletes the proposal to repay the food stamp program for overissued food stamps. This amendment also makes technical corrections. The amendment adds a fiscal note and an appropriation section to the bill.

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