

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

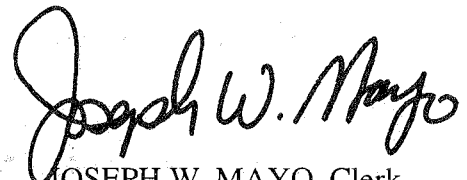
No. 1835

H.P. 1290

House of Representatives, April 24, 1997

An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws and Recovery of Overissued Food Stamps.

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Received by the Clerk of the House on April 22, 1997. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


JOSEPH W. MAYO, Clerk

Presented by Representative NASS of Acton.
Cosponsored by Senator MILLS of Somerset and
Representatives: HATCH of Skowhegan, KERR of Old Orchard Beach, KNEELAND of
Easton, ROWE of Portland, Senator: MICHAUD of Penobscot.

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

2
4 **Sec. 1. 9-B MRSA §162**, as enacted by PL 1977, c. 416, is amended to read:

6 **§162. Disclosure of financial records prohibited;**
7 **exceptions**

8
10 A fiduciary institution may not disclose to any person, except to the customer or his the customer's duly authorized agent, any financial records relating to that customer of that
12 fiduciary institution unless:

14 1. **Authorized disclosure.** The customer has authorized disclosure to the person; or

16 2. **Disclosure in response to legal process.** The financial records are disclosed in response to a lawful subpoena, summons, warrant or court order which that meets the requirements of
18 section 163, ; or

20 3. **Disclosure in response to a request by the Department of Human Services.** The financial records are disclosed in response to a request for information by the Department of Human Services for purposes related to establishing, modifying or enforcing a child support order.

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28 **Sec. 2. 9-B MRSA §163**, as amended by PL 1985, c. 647, §2, is further amended to read:

30 **§163. Subpoena, summons, warrant or court order**

32 1. **Service.** A fiduciary institution shall disclose
34 financial records under section 162 pursuant to a subpoena, summons, warrant or court order which that on its face appears to
36 have been issued upon lawful authority only if the subpoena, summons, warrant or court order is served upon the customer prior
38 to disclosure by the fiduciary institution. The agency or person requesting the disclosure of financial records shall certify in
40 writing to the fiduciary institution the fact that the subpoena, summons, warrant or court order has been served upon the
42 customer. The court for good cause shown may delay or dispense with service of the subpoena, summons, warrant or court order
44 upon the customer. The court shall delay or dispense with service of the subpoena, summons, warrant or court order upon the
46 customer upon notice by the Attorney General or his the Attorney General's designee that such service upon the customer would not
48 be in the public interest. A subpoena, summons or warrant issued in connection with a federal grand jury proceeding, a request for information by the Department of Human Services for purposes
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2 related to establishing, modifying or enforcing a child support
3 order or a trustee process lawfully issued need not be served
4 upon the customer.

6 **Sec. 3. 10 MRSA §8003, sub-§4-A** is enacted to read:

8 **4-A. Disclosure and recording of social security numbers.**
9 An individual who applies for a license shall provide that
10 individual's social security number on the application, which
11 must be recorded.

12 **Sec. 4. 12 MRSA §6308**, as amended by PL 1995, c. 694, Pt. D,
13 §9 and affected by Pt. E, §2, is further amended to read:

14 **§6308. Compliance with support orders; license**
15 **qualifications and conditions**

16 In addition to other qualifications for licensure or
17 registration and conditions for continuing eligibility to hold a
18 license as prescribed by the various acts of the department,
19 applicants for licensure or registration, licensees renewing
20 their licenses and existing licensees must also comply with the
21 requirements of Title 19-A, section 2201, ~~but only if the license~~
22 ~~is for commercial use.~~

23 **Sec. 5. 12 MRSA §6309, sub-§2**, as amended by PL 1995, c. 694,
24 Pt. D, §10 and affected by Pt. E, §2, is further amended to read:

25 **2. Noncompliance with a court order of support.** An
26 applicant for the issuance or renewal of a license or an existing
27 licensee regulated by the department under this subpart who is
28 not in compliance with a court order of support is subject to the
29 requirements of Title 19-A, section 2201, ~~but only if the license~~
30 ~~is for commercial use.~~

31 **Sec. 6. 12 MRSA §7079-A**, as amended by PL 1995, c. 694, Pt.
32 D, §11 and affected by Pt. E, §2, is further amended to read:

33 **§7079-A. Compliance with support orders; license**
34 **qualifications and conditions**

35 In addition to other qualifications for licensure or
36 registration and conditions for continuing eligibility to hold a
37 license as prescribed by the various acts of the department,
38 applicants for licensure or registration, licensees renewing
39 their licenses and existing licensees must also comply with the
40 requirements of Title 19-A, section 2201, ~~but only if the license~~
41 ~~is for commercial use.~~

2 **Sec. 7. 12 MRSA §7079-B, sub-§2**, as amended by PL 1995, c.
694, Pt. D, §12 and affected by Pt. E, §2, is further amended to
read:

4
6 **2. Noncompliance with a court order of support.** An
applicant for the issuance or renewal of a license or an existing
licensee who is not in compliance with a court order of support
8 is subject to the requirements of Title 19-A, section 2201, ~~but
only if the license is for commercial use.~~

10 **Sec. 8. 14 MRSA §3128-A, sub-§9**, as enacted by PL 1995, c.
12 419, §8, is repealed.

14 **Sec. 9. 19-A MRSA §101, sub-§9**, as enacted by PL 1995, c. 694,
Pt. B, §2 and affected by Pt. E, §2, is amended to read:

16 **9. Person.** "Person" means an individual, trust, estate,
18 partnership, association, company, corporation, political
subdivision of the State ~~or~~ instrumentality of the State or
20 other entity.

22 **Sec. 10. 19-A MRSA §651, sub-§2**, as enacted by PL 1995, c.
694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

24 **2. Application.** The parties wishing to record notice of
26 their intentions of marriage shall submit an application for
recording notice of their intentions of marriage. The
28 application must include a signed certification that the
information recorded on the application is correct and that the
30 applicant is free to marry according to the laws of this State.
The applicant's signature must be acknowledged before an official
32 authorized to take oaths. Applications recording notice of
intentions to marry must be open for public inspection in the
34 office of the clerk. When the application is submitted, the
applicant shall provide the clerk with the social security
36 numbers of the parties. The application must include a statement
that the social security numbers of the parties have been
38 provided to the clerk. The clerk shall record the social
security numbers provided by each applicant. The record of the
40 social security numbers is confidential and is not open for
public inspection.

42 **Sec. 11. 19-A MRSA §908** is enacted to read:

44 **§908. Disclosure and recording of social security numbers**

46 The social security number of any individual who is subject
48 to a divorce decree must be placed in the court records relating
to the decrees. The record of an individual's social security
50 number is confidential and is not open to the public. The court

2 shall disclose an individual's social security number to the
3 department for child support enforcement purposes. An individual
4 who is a party to a divorce action must disclose that
5 individual's social security number to the court.

6 **Sec. 12. 19-A MRSA §1509** is enacted to read:

8 **§1509. Locator information; presumption concerning notice**

10 **1. Duty of parties to file and update locator information**
11 **when a support order is issued.** Upon entry of a decision, order
12 or judgment, each party to a paternity action or proceeding
13 involving child support shall file with the tribunal that issued
14 the decision, order or judgment and update as the information
15 changes, the party's full name, social security number,
16 residential and mailing addresses, home telephone number,
17 driver's license number and the names, addresses and telephone
18 numbers of the party's employers.

20 **2. Presumption of adequate notice if mailed to last**
21 **reported address.** In any subsequent child support enforcement
22 action or proceeding involving one or more of the parties, upon
23 sufficient showing that diligent effort has been made to
24 ascertain the location of a party and upon delivery of written
25 notice to the most recent residential or employer address filed
26 with the tribunal, the tribunal may deem that the state due
27 process requirements have been met for notice and service of
28 process with respect to the party.

30 **Sec. 13. 19-A MRSA §1510** is enacted to read:

32 **§1510. Statewide jurisdiction**

34 In child support and paternity cases, the jurisdiction of
35 the District Court, the Superior Court and the department extends
36 to all parts of the State. Once an action has been commenced, a
37 case may be transferred between local jurisdictions in the State
38 without need for an additional filing by the petitioner or
39 service of process on the respondent to retain jurisdiction over
40 the parties.

42 **Sec. 14. 19-A MRSA §1553, first ¶,** as enacted by PL 1995, c.
43 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

44 Paternity may be determined upon the complaint of the
45 mother, the alleged father, the child or the public authority
46 chargeable by law with the support of the child. If paternity has
47 been determined or has been acknowledged according to the laws of
48 this State, the liabilities of the father may be enforced in the
49 same or other proceedings by the mother, the child or the public
50 authority.

2 authority that has furnished or may furnish the reasonable
3 expenses of pregnancy, confinement, education, support or funeral
4 expenses, and by other persons, including private agencies, to
5 the extent that they have furnished the reasonable expenses of
6 pregnancy, confinement, education, support or funeral expenses.
7 Bills and records of expenses paid for pregnancy, child birth and
8 genetic testing are admissible as evidence without requiring
9 3rd-party foundation testimony and are prima facie evidence of
10 amounts incurred for those services or for testing on behalf of
11 the child. Chapter 63 applies to an award of past support, which
12 is calculated by applying the current child support guidelines to
13 the period for which past support is owed.

14 **Sec. 15. 19-A MRSA §1554**, as enacted by PL 1995, c. 694, Pt.
15 B, §2 and affected by Pt. E, §2, is amended to read:

16 **§1554. Limitation on recovery from father**

17 The father's liabilities for past education and support are
18 limited to ~~a period of the 6 years immediately~~ 6-year period
19 preceding the commencement of an action.

20 A complainant may commence an action at any time prior to
21 the child's 18th birthday. Notwithstanding the effective date of
22 this paragraph, an action may be commenced for the benefit of a
23 child whose paternity has not been established or to establish
24 paternity of a child for whom an action had been commenced but
25 dismissed because a statute of limitations of less than 18 years
26 was then in effect.

27 **Sec. 16. 19-A MRSA §1561, sub-§1**, as enacted by PL 1995, c.
28 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

29 **1. Effect of results.** The results of the tests required
30 pursuant to section 1558 are evidence to be used in determining
31 paternity as follows.

32 A. If the court finds that the conclusion of all the
33 experts, as disclosed by the evidence based upon the tests,
34 is that the alleged father is not the parent of the child,
35 the question of paternity must be resolved accordingly.

36 B. If the experts disagree in their findings or
37 conclusions, the question must be submitted upon all the
38 evidence.

39 C. If the experts conclude that the blood or tissue tests
40 show that the alleged father is not excluded and that the
41 probability of the alleged father's paternity is less than

2 97%, this evidence must be admitted by the court and
weighed with other competent evidence of paternity.

4 D. If the experts conclude that the blood or tissue tests
6 show that the alleged father is not excluded and that the
probability of the alleged father's paternity is 97% or
8 higher, the alleged father is presumed to be the father, and
this evidence must be admitted.

10 The court shall admit as evidence the results of any genetic test
12 that is of a type generally acknowledged as reliable by
14 accreditation bodies designated by the federal Secretary of the
Department of Health and Human Services and performed by a
laboratory approved by such an accredited body.

16 **Sec. 17. 19-A MRSA §1565, sub-§§3 and 4** are enacted to read:

18 3. Temporary support order. Upon motion by a party to a
20 contested paternity action, the court shall issue a temporary
22 child support order if the alleged father is presumed to be the
24 father as a result of genetic testing, as provided by Title 19-A,
section 1561, subsection 1, paragraph D. The order must be
determined according to the child support guidelines as provided
under chapter 63.

26 4. Disclosure and recording of social security numbers. A
28 person who is a party to a paternity action shall disclose that
30 person's social security number to the court. The social
32 security number of a person who is subject to a judgment of
34 paternity must be placed in the court records relating to the
judgment of paternity. The record of a person's social security
number is confidential and is not open to the public. The court
shall disclose a person's social security number to the
department for child support enforcement purposes.

36 **Sec. 18. 19-A MRSA §1610, sub-§4** is enacted to read:

38 4. Additional genetic testing. If additional samples are
40 needed to complete genetic testing, the department may require
42 the mother, alleged father and child to submit to additional
44 testing. If a person refuses to submit to additional testing,
46 the court, upon motion by the department, may resolve the
question of paternity against that person or order the person to
submit to testing. If an original test result is contested, upon
request and advance payment by the contestant, the department
shall obtain additional test results.

48 **Sec. 19. 19-A MRSA §1615** is enacted to read:

§1615. Voluntary acknowledgment of paternity

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1. Legal finding of paternity. A signed voluntary acknowledgment of paternity is a legal finding of paternity, subject to the right of a signatory to rescind the acknowledgment within the earlier of 60 days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is party. After the right to rescind ends, the acknowledgment may be challenged in court only on the basis of fraud, duress or material mistake of fact with the burden of proof on the challenger and under which the legal responsibilities of a signatory arising from the acknowledgment, including child support obligations, may not be suspended during the challenge except for good cause shown.

2. Notice. Before a mother and putative father may sign an acknowledgment of paternity, the mother and the putative father must be given oral and written notice of the alternatives to, the legal consequences of and the rights and responsibilities that arise from signing the acknowledgment.

3. Full faith and credit. The State shall give full faith and credit to an acknowledgment of paternity signed in any other state according to that state's procedures.

4. Bar on acknowledgment ratification proceedings. Legal proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity.

Sec. 20. 19-A MRSA §2006, sub-§9, as enacted by PL 1995, c. 694, Pt. B, §2 and as affected by Pt. E, §2, is amended to read:

9. Notice of right to review. A judicial order or administrative order issued or modified in this State that includes an order for child support must include a statement that advises parents of the right to request ~~the--department the~~ issuing authority to review ~~the--amount--of and, if appropriate,~~ modify the child support order pursuant to section 2010 if there is a substantial change of circumstances according to the State's child support guidelines.

Sec. 21. 19-A MRSA §2006, sub-§10 is enacted to read:

10. Disclosure and recording of social security numbers. A person who is a party to an action to establish or modify a support order shall disclose that person's social security number to the court or the department, whichever conducts the proceeding. The social security number of a person who is subject to a support order must be placed in the records relating

2 to the support order. The record of a person's social security
3 number is confidential and is not open to the public. The court
4 shall disclose a person's social security number to the
5 department for child support enforcement purposes.

6 **Sec. 22. 19-A MRSA §2009, sub-§3**, as enacted by PL 1995, c.
7 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

8
9 **3. Substantial change of circumstances because of**
10 **variance.** If a child support order varies more than 15% from a
11 parental support obligation determined under section 2006, the
12 court or hearing officer shall consider the variation a
13 substantial change of circumstances and if it has been less than
14 3 years since the order was issued or modified, the court or
15 hearing officer shall modify the order according to the child
16 support guidelines under chapter 63. ~~This section does not apply~~
17 ~~to an existing order issued under section 2007 that deviated from~~
18 ~~the presumptive amount determined pursuant to section 2006. If~~
19 ~~it has been 3 years or longer since the order was issued or~~
20 ~~modified, the court or hearing officer shall review the order~~
21 ~~without requiring proof or showing of a change of circumstances~~
22 ~~and shall modify the order if the amount of the child support~~
23 ~~award under the order differs from the amount that would be~~
24 ~~awarded under the guidelines. If a child support order was~~
25 ~~established under section 2007, a 15% variation between the~~
26 ~~amount of the order and the parental support obligation~~
27 ~~determined under section 2006 does not constitute a substantial~~
28 ~~change of circumstances.~~

29 **Sec. 23. 19-A MRSA §2010**, as enacted by PL 1995, c. 694, Pt.
30 B, §2 and affected by Pt. E, §2, is repealed.

31 **Sec. 24. 19-A MRSA §2101, sub-§§1 and 7**, as enacted by PL 1995,
32 c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

33
34 **1. Board.** "Board" means a bureau, board or commission
35 listed in Title 10, section 8001 or 8001-A, other licensor that
36 is affiliated with or is a part of the Department of Professional
37 and Financial Regulation, the Board of Overseers of the Bar or
38 any other state agency or municipality that issues a license
39 authorizing a person to engage in a business, occupation,
40 profession or industry and any state agency, bureau, board,
41 commission or municipality that issues a license or permit to
42 hunt, fish, operate a boat or engage in any other sporting or
43 recreational activity.

44
45 **7. License.** "License" means a license, certification,
46 registration, permit, approval or other similar document
47 evidencing admission to or granting authority to engage in a
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2 profession, occupation, business or industry, and a license or
3 permit to hunt, fish, operate a boat or engage in any other
4 sporting or recreational activity, but does not mean a
5 registration, permit, approval or similar document evidencing the
6 granting of authority to engage in the business of banking
pursuant to Title 9-B.

8 **Sec. 25. 19-A MRSA §2101, sub-§9,** as enacted by PL 1995, c.
9 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the
10 following enacted in its place:

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

22 **Sec. 26. 19-A MRSA §2101, sub-§10,** as enacted by PL 1995, c.
23 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

24 **Sec. 27. 19-A MRSA §§2104 to 2106** are enacted to read:

25 **§2104. State registry of support orders**

26 **1. Record of all support orders.** On or before October 1,
27 1998, the department shall maintain a record of each support
28 order established or modified in the State. The record must
29 include standardized data elements, including the names, social
30 security numbers and dates of birth of the parties. The
31 department shall update and monitor the record relating to each
32 support order in all cases in which support rights are assigned
33 to the department or for which the department otherwise provides
34 support enforcement services. The department and the judicial
35 branch shall work cooperatively to develop efficient procedures
36 for implementing the requirements of this subsection.

37 **2. Automated data matching.** The department shall compare
38 by automated data processing the record of each support order
39 maintained by the department with the records of the Federal
40 Government, other states and other state agencies for the
41 purposes of matching, receiving and disclosing information as
42 required by 42 United States Code, Chapter 7, Subchapter IV, Part
43 D (1996). All state agencies shall work cooperatively with the
44 department to develop automated procedures for providing the
45 department with information the department is permitted access to

2 for purposes of carrying out its responsibilities under the
3 Social Security Act, Chapter 7, Subchapter IV, Part D.

4 **§2105. Duty of department to recognize and enforce actions of**
5 **other states**

6
7 The department shall recognize and enforce the authority of
8 agencies of other states that are responsible for administering
9 the Social Security Act, 42 United States Code, Chapter 7,
10 Subchapter IV (1996) to take actions under Section 325(a)(2) of
11 the Personal Responsibility and Work Opportunity Act of 1996,
12 Public Law 104-193, 110 Stat. 2105. The department shall enforce
13 the actions of other states as necessary by filing a civil action
14 in the District Court.

15 **§2106. Dependent health care coverage**

16
17 **1. Enrollment of dependent children in employer health**
18 **plans.** If a parent is required by a support order to provide
19 health care coverage for a child and the parent is eligible for
20 family health care coverage through an employer doing business in
21 the State, upon application by either parent, the employer shall
22 enroll the child, if otherwise eligible, in the employer health
23 plan without regard to any enrollment season restrictions, except
24 as provided by subsection 2. If the employer offers more than
25 one plan, the employer shall enroll the child in the plan in
26 which the employee is enrolled or, if the employee is not
27 enrolled, in the least costly plan otherwise available, if the
28 plan's services are available where the child resides. If the
29 services of the employee's plan or the least costly plan are not
30 available where the child resides, the employer shall enroll the
31 child in the least costly plan that is available where the child
32 resides.

33
34 **2. Employer duty to withhold premiums from employee and pay**
35 **insurer.** An employer who enrolls a dependent child under this
36 section shall withhold from the employee's compensation the
37 employee's share, if any, of the cost of the health care coverage
38 for the child enrolled and pay that amount to the insurer, except
39 that the amount of compensation withheld by the employer may not
40 exceed the limits provided for in section 2356. If withholding
41 the maximum amount of the employee's disposable earnings under
42 section 2356 does not cover the employee's initial share of the
43 cost, the employer may elect not to enroll the employee's
44 dependent child.

45
46 **3. Duty to maintain coverage.** An employer may not
47 disenroll or eliminate coverage for a child enrolled under this
48 section unless:
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2 A. The employer is provided with satisfactory written
3 evidence that the court or administrative order is no longer
4 in effect;

5 B. The employer is provided with satisfactory written
6 evidence that the child is or will be enrolled in comparable
7 health coverage that will take effect no later than the date
8 when the child is disenrolled;

9 C. The employer has eliminated family health care coverage
10 for all of its employees; or

11 D. The parent who is ordered to provide health care
12 coverage for the child terminates employment.

13 4. Answer. The employer shall respond to a parent who
14 requests enrollment within 30 days and confirm:

15 A. That the child has been enrolled in the employer's
16 health plan;

17 B. The date when the child will be enrolled, if enrollment
18 is pending; or

19 C. That coverage can not be provided, stating the reasons
20 why coverage can not be provided.

21 5. Notice of coverage and plan changes. If a child is
22 enrolled under this section, the employer shall provide
23 information to the custodial parent that includes the name of the
24 insurer and the extent of the coverage provided and make
25 available any necessary claim forms or enrollment membership
26 cards. The employer shall inform the custodial parent of a
27 change in coverage, change in insurer or if the plan is
28 terminated. The employer shall provide the custodial parent with
29 any information about the plan that the employer provides to
30 covered employees.

31 Sec. 28. 19-A MRS §2151, as enacted by PL 1995, c. 694, Pt.
32 B, §2 and affected by Pt. E, §2, is amended to read:

33 **§2151. Locating those liable for support of dependents**

34 At the request of the department To assist in locating
35 parents who have deserted their children and other persons liable
36 for support of dependents, the department may request information
37 from the records of all departments, boards, bureaus and other
38 agencies of this State shall and those departments, boards,
39 bureaus and other agencies shall provide the necessary
40 information from their records to assist the department in

2 locating parents who have deserted their children and other
3 persons liable for support of dependents. Only information
4 directly bearing on the identity and whereabouts of a person
5 owing or asserted to be owing an obligation of support may be
6 requested and used or transmitted by the department pursuant to
7 the authority conferred by this section. The department may make
8 such information available only to public officials and agencies
9 of this State, other states and the political subdivisions of
10 this State and other states seeking to locate parents who have
11 deserted their children and other persons liable for support of
12 dependents for the purpose of enforcing their liability for
13 support. The department may make information available to
14 federal agencies conducting activities under 42 United States
15 Code, Chapter 7, Subchapter IV, Part D (1996). The department
16 must be provided automated access to records it is entitled to
17 under this section if the records are maintained in an automated
18 data base.

19 **Sec. 29. 19-A MRSA §2152, sub-§2, as enacted by PL 1995, c.**
20 **694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:**

21 **2. Request for information concerning responsible parents.**
22 **Except as provided in subsection 5, the department may request of**
23 **any person information relating to the following matters**
24 **concerning needed to establish, modify or enforce a support**
25 **order, including a responsible parent parent's or alleged**
26 **responsible parent parent's:**

- 27
- 28 A. Complete name;
 - 29
 - 30 B. Social security number;
 - 31
 - 32 C. Date and place of birth;
 - 33
 - 34 D. Present and past employment status;
 - 35
 - 36 E. Earnings;
 - 37
 - 38 F. Current or last known address;
 - 39
 - 40 G. Assets and liabilities;
 - 41
 - 42 H. Availability and description of present or previous
43 health insurance coverage for a dependent child; and
 - 44
 - 45 I. Health insurance benefits paid or applied for under a
46 policy of health insurance for a dependent child.
 - 47
 - 48

49 **Sec. 30. 19-A MRSA §2152, sub-§4, as enacted by PL 1995, c.**
50 **694, Pt. B, §2 and affected by Pt. E, §2, is repealed.**

2 **Sec. 31. 19-A MRSA §2152, sub-§5**, as enacted by PL 1995, c.
4 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

6 **5. If paternity has not been established.** If an alleged
8 responsible parent is a putative father of a child conceived and
 born out of wedlock, a request ~~or demand~~ is for information must
 be limited to information relating to the following matters
 concerning the alleged responsible parent:

- 10 A. Complete name;
- 12 B. Date and place of birth;
- 14 C. Present and past employment status;
- 16 D. Social security number; and
- 18 E. Current or last known address.

20 **Sec. 32. 19-A MRSA §2152, sub-§5-A** is enacted to read:

22 **5-A. Duty to disclose.** All persons, as defined in section
24 101, subsection 9, shall respond fully and promptly to a request
26 for information made by the department under this section and to
28 a request for similar information made by another state's child
 support enforcement agency, except that information that is
 privileged under the Maine Rules of Evidence need not be
 disclosed.

30 **Sec. 33. 19-A MRSA §2152, sub-§6**, as enacted by PL 1995, c.
32 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the
34 following enacted in its place:

36 **6. Immunity from liability.** A person who discloses
38 information requested by the department under this section or who
40 discloses similar information requested by another state's child
 support enforcement agency is immune from liability to any other
 person because of the disclosure, unless the information is
 privileged under the Maine Rules of Evidence.

42 **Sec. 34. 19-A MRSA §2152, sub-§7**, as enacted by PL 1995, c.
44 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

46 **7. Affirmation of responses.** The department may require
48 that a response to a request ~~or demand~~ for information be
 affirmed under the penalties for unsworn falsification under
 Title 17-A, section 453.

2 **Sec. 35. 19-A MRSA §2152, sub-§§8 to 10**, as enacted by PL 1995,
3 c. 694, Pt. B, §2 and affected by Pt. E, §2, are repealed and the
4 following enacted in their place:

5 **8. Facilitation of responses.** The department or other
6 requesting agency shall provide a prepaid, preaddressed envelope
7 with each request for information.

8 **9. Notice to responsible parent or alleged responsible**
9 **parent.** When requesting information as provided by this section,
10 the department shall send a copy of the request to the
11 responsible parent or alleged responsible parent by regular mail
12 to the responsible parent or alleged responsible parent's last
13 known address.

14 **10. Penalties for nondisclosure.** A person who knowingly
15 fails to respond to a request for information, who knowingly
16 fails to disclose information requested or who knowingly refuses
17 to disclose, commits a civil violation for which a forfeiture not
18 to exceed \$1,000 may be adjudged.

19 **Sec. 36. 19-A MRSA §2154, sub-§5**, as enacted by PL 1995, c.
20 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

21 **Sec. 37. 19-A MRSA §2154, sub-§§7 to 9** are enacted to read:

22 **7. Transmissions to the National Directory of New Hires.**
23 Within 3 business days after the date information regarding a
24 newly hired or rehired employee is entered into the department's
25 computer system, the department shall transmit the information to
26 the National Directory of New Hires maintained by the federal
27 Department of Health and Human Services. After obtaining the
28 information from the Department of Labor, the department shall
29 send the National Directory of New Hires quarterly reports of
30 wages and unemployment compensation benefits paid to persons who
31 are reported to the department under this section as specified by
32 federal regulations.

33 **8. Use of new hire information.** The department shall use
34 the information it receives under this section to locate persons
35 and identify sources of income for purposes of:

36 **A. Establishing, enforcing and modifying child support**
37 **obligations;**

38 **B. Collecting overpayments of public assistance and**
39 **overissue of food stamps when benefits are no longer being**
40 **paid; and**

2 C. Determining eligibility and enforcing eligibility rules
3 for cash assistance, food stamps, Medicaid and other benefit
4 programs funded or administered by the department.

6 9. Access to information. The Department of Labor, the
7 Workers' Compensation Commission and the State Tax Assessor may
8 have access to the information reported to the department for
9 purposes of program administration.

10 Sec. 38. 19-A MRS §2157 is enacted to read:

12 §2157. Notice of right to have support order reviewed

14 Not less than once every 3 years, the department shall send
15 written notice to parents who are subject to a support order
16 being enforced by the department of the right to have the order
17 reviewed and, if appropriate, modified according to the
18 applicable child support guidelines.

20 Sec. 39. 19-A MRS §2306, sub-§3, ¶A, as enacted by PL 1995,
21 c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

22 A. Upon receipt of a copy of a withholding order, a payor
23 of earnings to the responsible parent shall:

24 (1) Immediately begin to withhold earnings of the
25 responsible parent when earnings are usually paid to
26 the responsible parent; and

27 (2) Send each amount of earnings withheld to the
28 department at the address set forth in the withholding
29 order within 10 7 business days after each withholding.

30 Sec. 40. 19-A MRS §2308, sub-§1, as enacted by PL 1995, c.
31 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

32 1. Issuance of order. The department, on its own behalf,
33 on behalf of a custodial parent who applies for the department's
34 support enforcement services or on behalf of another state's
35 Title IV-D agency, political subdivision or agent, may issue to a
36 responsible parent's employer or other payor of income a health
37 insurance withholding order to enforce a responsible parent's
38 obligation to obtain or maintain health insurance coverage or
39 other health care services for each dependent child of the
40 responsible parent. A health insurance withholding order must be
41 accompanied by a sworn statement issued by an authorized
42 representative of the commissioner that states that the
43 responsible parent is required by a court order or administrative
44 decision to obtain or maintain health insurance coverage or other-

2 health care services for each dependent child named in the health
insurance withholding order and has failed to provide the
department-with-proof-of-coverage-as-required-by-law.

4
6 **Sec. 41. 19-A MRSA §2308, sub-§3**, as enacted by PL 1995, c.
694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

8 **3. Duty to enroll.** An employer or other payor of income
served with a health insurance withholding order shall enroll
10 each dependent child of the employee named in the withholding
order as a covered person in a group health insurance plan or
12 other similar plan providing health care services or coverage
offered by the employer, without regard to any enrollment season
14 restrictions, if the child is eligible for such coverage under
the employer's enrollment provisions, and deduct any required
16 premiums from the employee's earnings to pay for the insurance.

18 **Sec. 42. 19-A MRSA §2309** is enacted to read:

20 **§2309. Recovery of health care benefits**

22 **1. Remedies available.** After notice and opportunity for
hearing, the department may use any remedies available for
24 collection of child support to recover money from a responsible
parent who:

26 **A. Is required by a court or administrative order to**
28 **provide health care coverage for a dependent child;**

30 **B. Has received payment from a 3rd party for health care**
32 **costs incurred by the dependent child and paid for by the**
custodial parent, the department or another payor of public
34 **assistance; and**

36 **C. Has not reimbursed the custodial parent, department or**
another payor of public assistance who has paid for the
38 **dependent child's care.**

40 **A claim for current or past-due child support takes priority over**
a claim under this section.

42 **2. Notice to responsible parent.** An action to recover
health care benefits under this section may be commenced by
44 serving notice on the responsible parent. The notice must:

46 **A. Explain the nature of the proceeding;**

48 **B. Explain to the responsible parent that the responsible**
parent may contest the claim set forth in the notice at a
50 **department administrative hearing;**

- 2 C. State the responsible parent's basic hearing rights;
- 4 D. Inform the responsible parent of what the department may
6 do to collect the claim if the responsible parent does not
 contest it; and
- 8 E. Explain to the responsible parent about the stay of
10 collection provided for by subsection 7.

12 3. Service. The department shall attach a copy of the
14 responsible parent's support order to the notice. Service of the
16 notice must be made by certified mail, return receipt requested,
 or by personal service as specified in the Maine Rules of Civil
 Procedure, Rule 4. For purposes of this section, authorized
 representatives of the commissioner may serve the notice.

18 4. Notice to custodial parent. If the department commences
20 an action under this section for the benefit of a custodial
22 parent, the department shall mail a copy of the notice to the
24 custodial parent by regular mail. The notice to the custodial
26 parent must state the custodial parent's basic hearing rights.
 If the custodial parent's rights are at issue, the department
 shall send to the custodial parent by regular mail notice of the
 date, time and place of the hearing if one is requested.

28 5. Administrative hearing. A responsible parent may
30 request an administrative hearing upon service of the notice
32 described in subsection 2. The request for hearing must be made
34 in writing and must be received by the department within 20 days
36 of service. The department shall conduct hearings under this
 subsection in accordance with the requirements of Title 5,
 chapter 375, subchapter IV. The issues that may be considered at
 the hearing are limited to whether the responsible parent is
 required to provide health care coverage for each dependent
 child, whether the responsible parent has received payment from a
 3rd party for health care costs incurred by each dependent child
 and paid for by the custodial parent, the department or another
 payor of public assistance and whether the responsible parent has
 reimbursed the custodial parent, the department or another payor
 of public assistance for the cost of care provided.

42 6. Decision after hearing. The department shall issue a
44 decision after hearing without undue delay as to whether the
46 responsible parent is required to provide health care coverage
48 for each dependent child, whether the responsible parent has
50 received payment from a 3rd party for health care costs incurred
 by each dependent child and paid for by the custodial parent, the
 department or another payor of public assistance and whether the
 responsible parent has reimbursed the custodial parent, the

2 department or another payor of public assistance, as applicable,
3 for the cost of care provided. The decision must be based on the
4 hearing record and rules adopted by the commissioner. The
5 responsible parent must be informed of the right to file a
6 petition for judicial review of the decision in Superior Court
7 within 30 days of the date of the decision. The department shall
8 send an attested copy of the decision to the responsible parent
9 by regular mail to the responsible parent's most recent address
10 of record. If the decision affects the rights of the custodial
11 parent, the department shall send the custodial parent a copy of
12 the decision, which must state the custodial parent's right to
13 judicial review.

14 7. Stay: collection. If a responsible parent requests a
15 hearing in a timely manner, the department may not take
16 collection action until a decision after hearing is issued or
17 until the responsible parent abandons the request for a hearing.
18 If a decision establishes that the custodial parent, the
19 department or another payor of public assistance is entitled to
20 reimbursement by the responsible parent, the department may begin
21 collection 30 days after the decision is mailed to the
22 responsible parent. If a responsible parent who is served notice
23 under subsection 2 does not request a hearing in a timely manner,
24 the department may begin collection of the amount claimed in the
25 notice 30 days after the date of service.

26 **Sec. 43. 19-A MRSA §2351, sub-§1,** as enacted by PL 1995, c.
27 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

28 **1. Subrogation of support rights.** If an ~~order of support~~
29 ~~or a spousal support order~~ exists, the department is subrogated
30 to the right of a dependent child, or person having custody of
31 the child named in the order, to pursue any support action or
32 administrative remedy to secure payment of the debt accrued or
33 accruing under section 2301 and to enforce the order. The
34 department is not required to seek an amendment to the ~~order of~~
35 ~~support or to the spousal support order in order~~ to subrogate
36 itself to the rights of the payee. The department is not
37 required to file a motion to intervene or join in any court
38 proceeding ~~in order~~ to subrogate itself to the rights of the
39 payee and to be treated as a party in any further proceedings
40 regarding the support order. Upon notice to the parties, the
41 department may order an obligor or other payor of child support
42 to redirect payments to the department if payments are owed to
43 the department or another state pursuant to an assignment of
44 support rights or if payments are otherwise required to be made
45 through the department. A person who knowingly violates the
46 department's order commits a civil violation for which the court
47 may adjudge a forfeiture not to exceed \$500 plus interest,
48 attorney's fees and costs.
49
50

2 **Sec. 44. 19-A MRSA §2361, sub-§3, ¶¶F and G,** as enacted by PL
1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to
4 read:

6 F. That, if a record of the proceeding is filed in court
and the responsible parent is not making regular child
8 support payments, the burden of proof is on the responsible
parent to show why regular payments can not be made; and

10 G. The penalties as provided by this section that could be
12 incurred by the responsible parent for failure to appear,
failure to provide documents, papers and other evidence as
14 required or intentionally providing false information; and

16 **Sec. 45. 19-A MRSA §2361, sub-§3, ¶H** is enacted to read:

18 H. That failure to comply with the order to appear and
20 disclose may result in revocation of the obligor's driver's
license, occupational licenses or other licenses as defined
22 in section 2101, subsection 7.

24 **Sec. 46. 19-A MRSA §2361, sub-§14** is enacted to read:

26 14. License revocation. If an obligor who is served with a
support order under subsection 1 fails to appear without good
28 cause or fails to provide documents, papers and other evidence as
required by the order without good cause, the department may
30 certify the obligor's noncompliance to the Secretary of State for
suspension of the obligor's driver's license and right to operate
32 a motor vehicle and to any board or other entity in the State
that issues a license as defined in section 2101, subsection 7.
34 Upon receipt of a certification of noncompliance from the
department, the Secretary of State, board or other entity shall
36 cause any licenses held by the obligor to be suspended or revoked
and may not issue or renew a license to the obligor until the
38 department issues a written statement that the obligor has
complied with the order. A suspension, revocation or refusal by
40 a board or other licensing entity to reissue, renew or otherwise
extend a license or permit of an obligor certified by the
42 department is deemed a final determination within the meaning of
Title 5, section 10002.

44 **Sec. 47. 19-A MRSA §2609** is enacted to read:

46 **§2609. Definition**

48 As used in this subchapter, "order of support or costs" or
50 "judgment of spousal support, support or costs" means a judgment
or order for spousal support or payment of money instead of

2 spousal support, for support of children, for support pending a
3 divorce action, for payment of related costs and attorney's fees
4 or for alteration of an existing judgment or order for the
5 custody or support of a child.

6 **Sec. 48. 19-A MRSA §2652, sub-§3, ¶B,** as enacted by PL 1995,
7 c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

8
9 B. Send each amount withheld to the department at the
10 address set forth in the order within 10 7 business days of
11 the withholding; and

12 **Sec. 49. 19-A MRSA §2670** is enacted to read:

13 **§2670. Income withholding orders issued by other states**

14
15 **1. Use of other state's income withholding law.** When a
16 payor receives an income withholding order issued by another
17 state, the payor shall apply the income withholding law of the
18 state of the obligor's principal place of employment when
19 determining:

20
21 A. The payor's fee for processing an income withholding
22 order;

23
24 B. The maximum amount permitted to be withheld from the
25 obligor's income;

26
27 C. The time in which the payor must implement the income
28 withholding order and forward the child support payment;

29
30 D. The priorities for withholding and allocating income
31 withheld for multiple child support obligees; and

32
33 E. Any withholding terms or conditions not specified in the
34 order.

35
36 **2. Compliance.** A payor who complies with an income
37 withholding order or notice that is regular on its face is not
38 subject to civil liability to any individual or agency for
39 conduct in compliance with the order or notice.

40
41 **Sec. 50. 19-A MRSA §§2671, 2672 and 2673** are enacted to read:

42 **§2671. Standard format of orders and notices**

43
44 An income withholding order must conform with standard
45 formats prescribed by the federal Secretary of Health and Human
46 Services.

2 **§2672. Automated issuance of income withholding orders**

4 The department may issue an income withholding order
6 electronically if the payor of income has the ability to receive
 the order in that manner.

8 **§2673. Definition of income**

10 For purposes of this subchapter, "income" means any periodic
12 form of payment due to a person, regardless of source, including
14 wages, salaries, commissions, bonuses, workers' compensation,
 disability benefits, payments pursuant to a pension or retirement
 program and interest.

16 **Sec. 51. 22 MRSA §17, sub-§2, as enacted by PL 1995, c. 419,**
18 **§28, is amended to read:**

20 **2. Computer match.** Upon written request from the
22 commissioner to a financial institution in this State with the
24 technological capacity to perform a match, the financial
26 institution shall perform a match using the list of obligors'
28 social security numbers provided by the department. The
30 department is responsible for making its computer data compatible
 with the data of the financial institution with which a match is
 sought. The department's data, at a minimum, must include the
 full name and social security number of and the amount of overdue
 support owed by each obligor. The department may not request a
 financial institution to perform a match under this section more
 often than once every calendar year quarter.

32 **Sec. 52. 22 MRSA §17, sub-§10, as enacted by PL 1995, c. 419,**
34 **§28, is repealed.**

36 **Sec. 53. 22 MRSA §2701, sub-§8 is enacted to read:**

38 **8. Paternity establishment.** The state registrar shall
40 offer voluntary paternity establishment services. The state
42 registrar shall maintain and use a form for voluntary
 acknowledgment of paternity that meets minimum requirements for
 the form established by the federal Secretary of Health and Human
 Services.

44 **Sec. 54. 22 MRSA §2706, sub-§1, as amended by PL 1973, c. 625,**
46 **§120, is further amended to read:**

48 **1. Child not born of marriage.** No An official in this
50 State shall may not permit inspection, or issue a certified copy
 of any certificate or record of birth disclosing illegitimacy
 that a child was not born of marriage. Such a record may be

2 disclosed or a certified copy issued upon request of the
3 ~~illegitimate himself~~ child, his the child's parent or his the
4 child's legal guardian or counsel or of petitioners for adoption
5 or in response to court process. Such a record may be disclosed
6 as necessary for the department to carry out its responsibilities
as the State's child support enforcement agency.

8 **Sec. 55. 22 MRSA §2761, sub-§4**, as amended by PL 1995, c. 260,
9 §6, is further amended to read:

10 **4. Child not born of marriage.** Except as otherwise
11 provided in this subsection, if the mother was not married at the
12 time of either conception or birth, or between conception and
13 birth, neither the name of the putative father nor any other
14 information about the putative father may be entered on the
15 certificate without his written consent and that of the mother.
16 The signature of the putative father on the written consent must
17 be acknowledged before an official authorized to take oaths. The
18 signature of the mother on her written consent must also be
19 acknowledged before an official authorized to take oaths. If a
20 determination of paternity has been made by a court of competent
21 jurisdiction, then the name of the father as determined by the
22 court must be entered on the birth certificate without the
23 father's or the mother's consent. If the putative father
24 executes an acknowledgement of paternity with the department and
25 the putative father is either named in writing by the mother as
26 the father or is presumed to be the father based on the results
27 of blood or tissue-typing tests, the name of the father must be
28 entered on the birth certificate without the father's or the
29 mother's consent. All voluntary acknowledgments and
30 adjudications of paternity in this State must be filed with the
31 Office of Vital Statistics for comparison with information in the
32 state registry of support orders as established in Title 19-A,
33 section 2104.

36 **Sec. 56. 26 MRSA §1048-A** is enacted to read:

38 **§1048-A. Disclosure of wage and unemployment compensation**
39 **information to National Directory of New Hires**

40 Notwithstanding any other provision of law, the commissioner
41 shall provide quarterly data, contained in the department's
42 records of wages and unemployment compensation benefits paid to
43 individuals who are reported to the Department of Human Services
44 pursuant to Title 19-A, section 2154, to the Department of Human
45 Services for transmission to the federal Secretary of Health and
46 Human Services as required by Section 313(g)(2) of the federal
47 Personal Responsibility and Work Opportunity Reconciliation Act
48 of 1996, Public Law 104-193, 110 Stat. 2105. The cost of
49 complying with the requirements of this section must be paid for
50

2 by the federal Department of Health and Human Services to the
3 maximum extent permitted by law, with any remaining cost paid for
4 by the Department of Human Services.

6 **Sec. 57. 26 MRSA §1191, sub-§10** is enacted to read:

8 **10. Deductions from benefits to repay food stamp program.**

10 The Department of Human Services shall provide weekly to the
11 commissioner by magnetic tape or other automated process the
12 names and social security numbers of adult members of households
13 that have been overissued food stamps, provided:

14 A. The amount that was overissued has been established by
15 administrative or judicial action, by agreement of the
16 parties or by operation of law;

18 B. The amount that was overissued has not been recouped,
19 repaid or otherwise recovered by the Department of Human
20 Services; and

22 C. The amount that was overissued is not being recouped
23 through reduction of food stamp benefits or being repaid
24 pursuant to a written agreement between the parties.

26 Notwithstanding any other provisions of this chapter, the
27 commissioner shall deduct and withhold 25% of any unemployment
28 compensation payable to a person who is reported under this
29 subsection or a lesser amount if agreed to by the Department of
30 Human Services. The amount of withholding may not exceed the
31 amount owed. The commissioner shall pay any amount deducted and
32 withheld under this subsection to the Department of Human
33 Services. Any amount deducted and withheld must be treated for
34 all purposes as if it were paid to the person as unemployment
35 compensation and paid by the person to the Department of Human
36 Services in satisfaction of the person's obligation to repay for
37 overissued food stamps. For purposes of this subsection,
38 "unemployment compensation" means any compensation payable under
39 this chapter, including amounts payable by the commissioner
40 pursuant to an agreement under any federal law providing for
41 compensation, assistance or allowances with respect to
42 unemployment. The Department of Human Services shall reimburse
43 the commissioner for administrative costs incurred in carrying
44 out the requirements of this subsection.

46 **Sec. 58. 29-A MRSA §1301, sub-§6** is enacted to read:

48 **6. Social security number.** The social security number of
49 an applicant for a commercial license must be recorded on the
50 application.

2 **Sec. 59. 36 MRSA §191, sub-§2, ¶O,** as amended by PL 1995, c.
178, §1, is further amended to read:

4 O. The disclosure to an authorized representative of the
Department of Human Services of ~~the most recent address of a~~
6 ~~delinquent payor of child support~~ an individual's residence,
employer, income and assets for child support enforcement
8 purposes as required by the Social Security Act, 47 United
10 States Code, Chapter 7, subchapter IV, Part D (1966), when a
written request containing the payor's ~~Social--Security~~
12 social security number is made by the department;

14 **Sec. 60. Effective date.** This Act takes effect October 1, 1997.

16

18

SUMMARY

20 This bill implements federal welfare reform mandates for
state child support enforcement laws concerning location,
paternity establishment, enforcement, medical support,
22 modification of support orders and access to financial
information. The bill also implements a federal mandate for
24 collecting for overissued food stamps by intercepting
unemployment benefits.