

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1467, L.D. 2058, Bill, "An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 19-A MRSA §2360-A is enacted to read:

§2360-A. Lump-sum settlement; workers' compensation claims

On a monthly basis, the department shall notify the Workers' Compensation Board, referred to in this section as the "board," of the names and social security numbers of all persons who owe the department child support debts that have been liquidated by judicial or administrative action. Before approving any lump-sum settlement, the board shall determine whether the person receiving the settlement is on the list of persons who owe to the department child support debts that have been liquidated by judicial or administrative action. If the person is on the list, the board shall notify the department of the pending settlement and inform the person of the notification to the department.

Sec. 2. 39-A MRSA §352, sub-§3, ¶¶C and D, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

COMMITTEE AMENDMENT

2 C. The employee's post-injury earnings and prospects,
4 considering all means of support, including the projected
6 income and financial security resulting from proposed
8 employment, self-employment or any business venture or
investment and the prudence of consulting with a financial
or other expert to review the likelihood of success of these
projects; and

10 D. Any other information, including the age of the employee
12 and of the employee's dependents, that would bear upon
whether the settlement is in the best interest of the
claimant; and

14 **Sec. 3. 39-A MRSA §352, sub-§3, ¶E is enacted to read:**

16 E. The existence of a child support debt of which
18 notification has been sent pursuant to Title 19-A, section
2360-A.'

20
22 **SUMMARY**

24 This amendment replaces the text of the bill but retains the
emergency preamble and emergency clause.

26 This amendment requires the Department of Human Services to
28 provide a list to the Workers' Compensation Board listing all the
individuals who owe child support debts to the State that have
30 been liquidated by judicial or administrative action. Before the
Workers' Compensation Board approves any lump-sum workers'
32 compensation settlement, the list of child support debtors must
be checked. If the person is on the list, the board must notify
34 the department and the person. The department has existing
enforcement authority to place a lien on the settlement award or
36 otherwise collect the debt. The department is responsible for
notifying the person of the enforcement action as required under
current law.

38 The Maine Workers' Compensation Act of 1992 is amended to
40 state that the Workers' Compensation Board is responsible for
reviewing whether an employee who may receive a lump-sum
42 settlement of a workers' compensation claim owes a child support
debt as identified by the Department of Human Services.