

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1347

H.P. 1010

House of Representatives, March 5, 2001

**An Act to Restrict the Issuance of Recreational Licenses for
Nonpayment of Child Support.**

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TRACY of Rome.

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

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4 **Sec. 1. 12 MRSA §7034, sub-§12** is enacted to read:

6 12. Information collection. The commissioner shall provide
8 the Department of Human Services information required under Title
10 19-A, section 2201, subsection 12 in the format and within the
12 time frames under that section except that the commissioner may
14 not forward information containing an applicant's social security
16 number.

18 **Sec. 2. 12 MRSA §7079-B**, as amended by PL 1997, c. 537, §7
20 and affected by §62, is further amended to read:

22 **§7079-B. Licensees not in compliance with support order;
24 enforcement of parental support obligations**

26 **1. Definitions.** As used in this section, unless the
28 context otherwise indicates, the following terms have the
30 following meanings.

32 A. "Compliance with a ~~court-order-of~~ support order" means
34 that the support obligor is no more than 90 60 days in
36 arrears in making payments in full for current support, in
38 making periodic payments on a support arrearage pursuant to
40 a written agreement with the Department of Human Services or
42 in making periodic payments as set forth in a ~~court-order-of~~
44 support order and has obtained or maintained health
46 insurance coverage if required by a ~~court-order-of~~ support
48 order.

50 B. ~~"Court-order-of-support" means any judgment or order for
the support of dependent children issued by any court of the
State or another state, including an order in a final decree
of divorce or any judgment or order issued in accordance
with an administrative procedure established by state law
that affords substantial due process and is subject to
judicial review.~~

 C. "License" means a license, registration, permit or other
similar document issued by the department under chapters 701
to 721.

 D. "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

2 support, health care, arrearages or reimbursement and may
3 include related costs and fees, interest and penalties,
4 income withholding, attorney's fees and other relief.

6 **2. Noncompliance with a support order.** An applicant for
7 the issuance or renewal of a license or an existing licensee who
8 is not in compliance with a court ~~support~~ support order ~~of support~~ is
9 subject to the requirements of Title 19-A, section 2201. A
10 person certified in noncompliance with a support order pursuant
11 to Title 19-A, section 2201, subsection 6 or by court finding
12 pursuant to Title 19-A, section 2603-A, is ineligible to hold or
13 obtain a license issued by the department until the department
14 receives written confirmation of compliance pursuant to Title
15 19-A, section 2201, subsection 8.

16 **Sec. 3. 19-A MRSA §2201, sub-§6,** as amended by PL 1997, c.
17 466, §§10 and 11 and affected by §28, is further amended to read:

18 **6. Certification of noncompliance.** The department may
19 certify in writing to the appropriate board and shall certify in
20 writing to the Department of Inland Fisheries and Wildlife that a
21 support obligor is not in compliance with an order of support if:

22 A. The obligor does not timely request a hearing upon
23 service of a notice issued under subsection 1 and is not in
24 compliance with an order of support 21 days after service of
25 the notice;

26 B. The department issues a decision after a hearing that
27 finds the obligor is not in compliance with an order of
28 support and the obligor has not appealed the decision within
29 the 30-day appeal period provided in subsection 3;

30 C. The court enters a judgment on a petition for judicial
31 review that finds the obligor is not in compliance with a
32 support order;

33 D. The obligor abandons a timely request for a hearing on
34 the department's notice of noncompliance and is not in
35 compliance with the support order; or

36 E. The obligor fails to comply with a written payment
37 agreement, does not notify the department that the obligor
38 is unable to comply with the agreement and does not provide
39 the department with evidence of the obligor's current
40 financial circumstances.

41 The department shall send by regular mail a copy of a
42 certification of noncompliance filed with a board to the obligor
43 at the obligor's most recent address of record.
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2 **Sec. 4. 19-A MRSA §2603-A**, as enacted by PL 1997, c. 466,
§26 and affected by §28, is amended to read:

4 **§2603-A. License revocation for nonpayment of child support**

6 Upon a motion to enforce a support order, after notice and
8 an opportunity for a hearing, the court may make a finding of
money due, render judgment for that amount and, to compel
10 payment, order:

12 **1. Suspension of driver's license.** Suspension of the
obligor's driver's license or licenses and right to operate a
14 motor vehicle;

16 **2. Revocation of occupational licenses.** Revocation of the
obligor's occupational, business, trade or professional licenses;
18 and

20 **3. Revocation of recreational licenses.** Revocation of the
obligor's ~~hunting, fishing, boating and other~~ recreational or
22 sporting licenses.

24 The court may issue an order to prevent issuance or renewal
of licenses under this section, except the court shall revoke and
26 prevent the issuance or renewal of licenses, permits or
registrations issued by the Department of Inland Fisheries and
28 Wildlife under Title 12, chapters 701 to 721. An order to
suspend, revoke or prevent issuance or renewal of licenses must
30 be based on a finding by the court that the obligor has the
present ability to pay all or part of the support owed. The
32 court shall specify in its order ways to avoid the loss of
licenses and requirements for obtaining licenses that are lost or
34 may not be obtained as a result of an order issued under this
section.

36 The court shall notify the Secretary of State of a driver's
38 license suspension ordered pursuant to this section. Upon
receipt of such an order, the Secretary of State shall
40 immediately notify the person of the court order of suspension.
The court shall notify the Commissioner of Inland Fisheries and
42 Wildlife of the court's order to revoke and prohibit the issuance
or renewal of any license issued by that department. Upon
44 receipt of such an order, the Commissioner of Inland Fisheries
and Wildlife shall immediately notify the person of the court
46 order of revocation and prohibition of the issuance or renewal.
The Secretary of State or the Commissioner of Inland Fisheries
48 and Wildlife may not terminate a suspension, revocation or
prohibition of issuance or renewal issued pursuant to this
50 section until the court orders reinstatement and, in the case of

2 a driver's license or occupational license, the person pays a
reinstatement fee to the Secretary of State. The court shall
4 immediately notify the Secretary of State and the Commissioner of
Inland Fisheries and Wildlife when a person complies with a child
6 support order. The court orders of suspension and reinstatement
must be on a form acceptable to the Secretary of State and the
Commissioner of Inland Fisheries and Wildlife.

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SUMMARY

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This bill requires the Department of Inland Fisheries and
Wildlife to collect and report to the Department of Human
14 Services licensing information required by the Maine Revised
Statutes, Title 19-A, section 2201, subsection 12, which
16 includes: applicant's name and address; federal employer number;
type of license; the date the license takes effect and expires;
18 and the active or inactive status of the license. The bill makes
a person who is found by a court or an administrative agency to
20 be in noncompliance with a child support order ineligible to hold
or obtain a license, permit or registration issued by the
22 Department of Inland Fisheries and Wildlife under Title 12,
chapters 701 to 721.