

# MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 660, L.D. 1743, Bill, "An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 19-A MRSA §2158 is enacted to read:

§2158. Access to wireless service provider's records of individuals who owe child support

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Account holder" means an individual who has executed an agreement with a wireless service provider for cellular telephone service.

B. "Match" means an automated comparison by name, date of birth and social security number of a list of obligors provided to a wireless service provider by the department with a list of account holders of the wireless service provider for the purpose of providing the department with a list of addresses of account holders delinquent in support allowing the department to locate and enforce support obligations.

2           C. "Obligor" means a person who owes a child support  
3           obligation.

4           D. "Wireless service provider" means an entity that  
5           provides cellular telephone service.

6           2. Match. Upon request from the department to a wireless  
7           service provider conducting business in this State, the wireless  
8           service provider shall perform a match using the list of  
9           obligors' names provided by the department. The department may  
10           not request a wireless service provider to perform a match under  
11           this section more often than once every calendar quarter.

12           3. Compilation of match list. After completing a match  
13           under subsection 2, a wireless service provider shall compile for  
14           the department a list of those account holders whose names match  
15           names on the list of obligors provided by the department. The  
16           list must contain the following information, if available to the  
17           wireless service provider through its matching procedure, for  
18           each account holder identified:

19           A. The account holder's full name;

20           B. The account holder's date of birth;

21           C. The account holder's social security number;

22           D. The account holder's address; and

23           E. The account holder's employer.

24           4. Notice to department. A wireless service provider that  
25           has compiled a match list under subsection 3 shall send the list  
26           to the department at the address designated by the department.

27           5. Reasonable fee. To cover the costs of carrying out the  
28           requirements of this section, a wireless service provider may  
29           assess a reasonable fee to the department not to exceed the  
30           actual costs incurred by the wireless service provider.

31           6. Confidentiality. A list of obligors provided by the  
32           department to a wireless service provider under subsection 2 is  
33           confidential. The information may be used only for the purpose  
34           of carrying out the requirements of this section. Knowing or  
35           intentional use of the information, without authorization from  
36           the department, is a civil violation for which a fine not to  
37           exceed \$1,000 may be adjudged.

2 7. Immunity from liability; hold harmless. A wireless  
3 service provider is immune from any liability for its good faith  
4 actions to comply with this section. The department shall defend  
5 and hold harmless, including compensation for attorney's fees, a  
6 wireless service provider that acts in good faith to carry out  
7 the requirements of this section.

8 8. Rulemaking. The department shall adopt rules to carry  
9 out this section. Rules adopted under this subsection are  
10 routine technical rules as provided in Title 5, chapter 375,  
11 subchapter 2-A.'

12  
13  
14  
15  
16 **SUMMARY**

17 This amendment replaces the bill.

18  
19 This amendment is based on the current law that authorizes  
20 the Department of Health and Human Services to conduct a data  
21 match with financial institutions for the purpose of locating  
22 child support obligors.

23  
24 This amendment allows the department to submit a list of  
25 child support obligors to wireless service providers to be used  
26 to conduct computerized matches with the wireless service  
27 providers' account holders. The wireless service providers must  
28 provide in return lists of the matched names, plus the birth  
29 dates, social security numbers, addresses and employers of those  
30 matched, if that information is available. The department may  
31 submit the list for matching no more often than once every  
32 calendar quarter.

33  
34 To cover the costs of carrying out the requirements of this  
35 section, a wireless service provider may assess a reasonable fee  
36 to the department not to exceed the actual costs incurred by the  
37 wireless service provider.

38  
39 **FISCAL NOTE REQUIRED**  
40 **(See attached)**



Approved: 03/16/06 *MAC*

# 122nd MAINE LEGISLATURE

LD 1743

LR 2574(02)

**An Act To Allow the Department of Health and Human Services To Locate Parents Who are Delinquent in Child Support Payments through Information Related To Cellular Telephones**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

Potential current biennium revenue increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill, including the costs of paying the fee to a wireless services provider, can be absorbed by the department utilizing existing budgetary resources. The bill may result in the location of child support obligors who would not otherwise be identified, resulting in additional child support collections that could offset the costs of state programs.