

MAINE STATE LEGISLATURE

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No. 990

H.P. 750

House of Representatives, March 2, 2007

**An Act To Assist Children Who Are Not Receiving Court-ordered
Child Support Payments**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRESSEY of Cornish.
Cosponsored by President EDMONDS of Cumberland and
Representatives: BARSTOW of Gorham, CAIN of Orono, GOULD of South Berwick,
MILLER of Somerville, NORTON of Bangor, SIMPSON of Auburn, SMITH of Monmouth,
Senator: WESTON of Waldo.

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

2 **Sec. 1. 22 MRSA §3173, 2nd ¶**, as repealed and replaced by PL 1979, c. 127,
3 §144, is amended to read:

4 The department is authorized and empowered to make all necessary rules ~~and~~
5 ~~regulations~~ consistent with the laws of the State for the administration of these programs
6 including, but not limited to, establishing conditions of eligibility and types and amounts
7 of aid to be provided, and defining the term "medically indigent," and the type of medical
8 care to be provided. The department shall exclude unpaid court-ordered child support
9 from calculations to determine eligibility for applicants who are entitled to receive court-
10 ordered child support as part of their income. In administering programs of aid, the
11 department shall, among other services, emphasize developing and providing financial
12 support for preventive health care and home health care in order to assure that a
13 comprehensive range of health care services is available to Maine citizens. Preventive
14 health services shall include, but need not be limited to, programs such as early periodic
15 screening, diagnosis and treatment; public school nursing services; child and maternal
16 health services; and dental health education services. To meet the expenses of
17 emphasizing preventive health care and home health care, the department is authorized to
18 expend for each type of care no less than 1.5% of the total sum of all funds available to
19 administer medical or remedial care and services eligible for participation under the
20 United States Social Security Act, Title XIX and amendments and successors to it.

21 **Sec. 2. 22 MRSA §3762, sub-§3, ¶A**, as enacted by PL 1997, c. 530, Pt. A, §16,
22 is amended to read:

23 A. The department shall adopt rules as necessary to implement and administer the
24 program. The rules must include eligibility criteria, budgeting process, benefit
25 calculation and confidentiality. The rules must exclude unpaid court-ordered child
26 support from calculations to determine eligibility for applicants who are entitled to
27 receive court-ordered child support as part of their income. The confidentiality rules
28 must ensure that confidentiality is maintained for TANF recipients at least to the
29 same extent that confidentiality was maintained for families in the Aid to Families
30 with Dependent Children program unless otherwise required by federal law or
31 regulation.

32 **Sec. 3. 22 MRSA §4301, sub-§7**, as amended by PL 2003, c. 510, Pt. C, §6, is
33 further amended to read:

34 **7. Income.** "Income" means any form of income in cash or in kind received by the
35 household, including net remuneration for services performed, cash received on either
36 secured or unsecured credit, any payments received as an annuity, retirement or disability
37 benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits
38 under any state or federal categorical assistance program, supplemental security income,
39 social security and any other payments from governmental sources, unless specifically
40 prohibited by any law or regulation, ~~court-ordered~~ court-ordered support payments to the
41 extent the payments are received, income from pension or trust funds and household
42 income from any other source, including relatives or unrelated household members.

1 The following items are not available within the meaning of this subsection and
2 subsection 10:

3 A. Real or personal income-producing property, tools of trade, governmental
4 entitlement specifically treated as exempt assets by state or federal law;

5 B. Actual work-related expenses, whether itemized or by standard deduction, such
6 as taxes, retirement fund contributions, union dues, transportation costs to and from
7 work, special equipment costs and child care expenses; ~~or~~

8 C. Earned income of children below the age of 18 years who are full-time students
9 and who are not working full time: ; ~~or~~

10 D. Unpaid court-ordered child support payments.

11 In determining need, the period of time used as a basis for the calculation is the 30-day
12 period commencing on the date of the application. This prospective calculation does not
13 disqualify an applicant who has exhausted income to purchase basic necessities if that
14 income does not exceed the income standards established by the municipality.
15 Notwithstanding this prospective calculation, if any applicant or recipient receives a lump
16 sum payment prior or subsequent to applying for assistance, that payment must be
17 prorated over future months. The period of proration is determined by disregarding any
18 portion of the lump sum payment that the applicant or recipient has spent to purchase
19 basic necessities, including but not limited to: all basic necessities provided by general
20 assistance; reasonable payment of funeral or burial expenses for a family member;
21 reasonable travel costs related to the illness or death of a family member; repair or
22 replacement of essentials lost due to fire, flood or other natural disaster; repair or
23 purchase of a motor vehicle essential for employment, education, training or other day-to-
24 day living necessities; repayments of loans or credit, the proceeds of which can be
25 verified as having been spent on basic necessities; and payment of bills earmarked for the
26 purpose for which the lump sum is paid. All income received by the household between
27 the receipt of the lump sum payment and the application for assistance is added to the
28 remainder of the lump sum. The period of proration is then determined by dividing the
29 remainder of the lump sum payment by the greater of the verified actual monthly amounts
30 for all of the household's basic necessities or 150% of the applicable federal poverty
31 guidelines. That dividend represents the period of proration determined by the
32 administrator to commence on the date of receipt of the lump sum payment. The prorated
33 sum for each month must be considered available to the household for 12 months from
34 the date of application or during the period of proration, whichever is less.

35 **Sec. 4. Exclude unpaid court-ordered child support from eligibility**
36 **criteria.** The Department of Health and Human Services shall amend all applicable
37 rules, within the parameters of federal law, to exclude unpaid court-ordered child support
38 payments from calculations determining eligibility for public assistance programs
39 including, but not limited to, programs that provide cash, vouchers or electronic benefit
40 transfer payments to families for assistance with food, home heating fuel, medical care or
41 other living expenses. Changes to these rules are considered routine technical rules, as
42 defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, for the
43 purposes of this section.

SUMMARY

1

2 This bill requires the Department of Health and Human Services to exclude unpaid
3 court-ordered child support payments from the calculation of income in determining
4 eligibility for public assistance.