

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 375

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S.P. 155

In Senate, February 12, 2013

**An Act To Require the State To Enforce Spousal Support  
Obligations in the Same Manner as Child Support Obligations**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TUTTLE of York.  
Cosponsored by Representative RUSSELL of Portland and  
Senators: CRAVEN of Androscoggin, VALENTINO of York, Representatives: LUCHINI of  
Ellsworth, SCHNECK of Bangor.

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

2 **Sec. 1. 19-A MRSA §2103, sub-§3-A**, as amended by PL 2011, c. 477, Pt. L, §2,  
3 is further amended to read:

4 **3-A. Service fee.** In the case of an individual who has never received assistance  
5 under a state program and for whom the State has collected at least \$500 in child support  
6 or spousal support, the State shall impose an annual \$25 fee for each ~~child~~ support  
7 enforcement case that is:

8 A. Retained by the State from ~~child~~ support collected on behalf of the individual  
9 after the collected support exceeds \$500;

10 B. Paid by the individual applying for services;

11 C. Recovered from the noncustodial parent or spousal support obligor; or

12 D. Paid by the State out of its own funds. The annual fee may not be considered as  
13 an administrative cost of the State for operation of child support enforcement services  
14 and must be considered income to the program under which the individual has  
15 received child support enforcement services.

16 The nonfederal share of the annual fee collected pursuant to this subsection must be  
17 deposited as General Fund undedicated revenue.

18 **Sec. 2. 19-A MRSA §2103, sub-§7** is enacted to read:

19 **7. Spousal support-only cases.** The obligee under a spousal support order may  
20 request the services of the department to collect the spousal support even if there is no  
21 order for child support to be paid to the obligee. Upon the request of a spousal support-  
22 only obligee, the department shall collect the spousal support using the remedies  
23 available for the collection and enforcement of child support and may charge the fees  
24 established in this section.

25 **SUMMARY**

26 This bill directs the Department of Health and Human Services to use the remedies  
27 currently available for the collection and enforcement of child support to collect spousal  
28 support even when the recipient of the spousal support is not owed any child support.  
29 The department may charge the same fees that the department charges for child support  
30 collection assistance.