

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 733

S.P. 271

In Senate, February 28, 2013

An Act To Improve the Child Support Collection Process

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 JOHNSON of Lincoln.
Cosponsored by Representative BEAULIEU of Auburn and
Senators: CRAVEN of Androscoggin, LACHOWICZ of Kennebec, MILLETT of Cumberland,
VALENTINO of York.

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

2 **Sec. 1. 19-A MRSA §2202, sub-§2, ¶E**, as enacted by PL 1995, c. 694, Pt. B, §2
3 and affected by Pt. E, §2, is amended to read:

4 E. If the commissioner certifies the obligor to the Secretary of State, the Secretary of
5 State must suspend any motor vehicle operator's licenses that the obligor holds and
6 the obligor's right to apply for or obtain a motor vehicle operator's license. The
7 commissioner may direct the Secretary of State to issue a work-restricted license to
8 operate a motor vehicle between a residence and a place of employment, in the scope
9 of employment, or both, as determined by the Secretary of State;

10 **Sec. 2. 19-A MRSA §2202, sub-§§3 to 5**, as enacted by PL 1995, c. 694, Pt. B,
11 §2 and affected by Pt. E, §2, are amended to read:

12 **3. Administrative hearing.** An obligor may request an administrative hearing
13 within 20 days of service of the notice described in subsection 2. The request for hearing
14 must be in writing and must be received by the department within 20 days. The
15 ~~department~~ Secretary of State shall conduct the hearing consistent with the procedures in
16 Title 29-A, chapter 23, subchapter 3, article 3 and in accordance with the requirements of
17 Title 5, chapter 375, subchapter ~~IV~~ 4. The issues that may be determined at hearing are
18 limited to whether the obligor is required to pay child support under an order of support
19 and whether the obligor is in compliance with an order of support, although the obligor
20 may raise additional issues, including the reasonableness of a payment agreement in light
21 of the obligor's current circumstances, to be preserved for appeal.

22 **4. Decision after hearing.** The ~~department~~ administrative hearing officer shall
23 render a decision after a hearing under subsection 3 without undue delay as to whether
24 the obligor is in compliance with the obligor's order of support. The decision must be
25 based on the hearing record and rules adopted by the commissioner. The decision must
26 inform the obligor that the obligor may file a petition for judicial review of the decision
27 within 30 days of the date of the decision. The administrative hearing officer shall submit
28 the complete hearing record, the decision and the reasons for the decision to the
29 department immediately upon the making of the decision. The department shall send an
30 attested copy of the decision to the obligor by regular mail to the obligor's most recent
31 address of record.

32 **5. Appeal to Superior Court.** If the obligor appeals the ~~department's~~ administrative
33 hearing officer's decision under subsection 4, the Superior Court may hear and determine
34 issues raised at the hearing, including the reasonableness of a payment agreement in light
35 of the obligor's current circumstances.

36 **Sec. 3. 19-A MRSA §2603-A**, as enacted by PL 1997, c. 466, §26 and affected by
37 §28, is amended by adding at the end a new paragraph to read:

38 When suspending the obligor's driver's license or licenses and right to operate a
39 motor vehicle, or upon petition of the obligor, the court may direct the Secretary of State
40 to issue a work-restricted license to operate a motor vehicle between a residence and a

1 place of employment, in the scope of employment, or both, as determined by the
2 Secretary of State.

3

SUMMARY

4 This bill improves the child support collection process associated with the suspension
5 and revocation of a child support obligor's driver's license by allowing the Commissioner
6 of Health and Human Services and the court to order that the Secretary of State issue a
7 work-restricted license.

8 The bill separates the determination of nonsupport from the administrative hearing on
9 the question of noncompliance. The bill requires that, when an obligor requests a hearing
10 on noncompliance with an order of support, an administrative hearing officer within the
11 Department of the Secretary of State conduct the hearing and report the decision back to
12 the Department of Health and Human Services for issuance.