

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1688

H.P. 1211

House of Representatives, December 30, 2013

**An Act To Streamline Enforcement of Child Support Orders Issued
by the Penobscot Nation**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND

Clerk

Presented by Representative MITCHELL of the Penobscot Nation.

Cosponsored by Senator VALENTINO of York and

Representatives: DILL of Old Town, MORRISON of South Portland, THERIAULT of Madawaska, Senator: MAZUREK of Knox.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation needs to take effect as soon as possible to provide the
4 Penobscot Nation with the ability to enforce child support orders against delinquent
5 parents; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 29-A MRSA §2459-A** is enacted to read:

12 **§2459-A. Suspension of license for failure to meet family financial responsibility;**
13 **Penobscot Nation**

14 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
15 following terms have the following meanings.

16 A. "Penobscot Nation" means the Penobscot Nation Tribal Court or the entity
17 authorized by the governing body of the Penobscot Nation pursuant to Title 30,
18 section 6209-B to exercise jurisdiction over child support enforcement matters.

19 B. "Support obligor" means an individual who owes a duty of support and over
20 whom the Penobscot Nation has jurisdiction.

21 C. "Support order" means a judgment, decree or order, whether temporary, final or
22 subject to modification, issued by the Penobscot Nation for the support and
23 maintenance of a child or a child and the parent with whom the child is living that
24 provides for monetary support, health care, arrearages or reimbursement and may
25 include related costs and fees, interest and penalties, income withholding, attorney's
26 fees and other relief.

27 **2. Compliance with support orders.** In addition to other qualifications and
28 conditions established by this Title, the right of an individual subject to the jurisdiction of
29 the Penobscot Nation to hold a motor vehicle operator's license or permit issued by the
30 State is subject to the requirements of this section.

31 **3. Certification of noncompliance.** Upon receipt of a written certification from the
32 Penobscot Nation that a support obligor who owns or operates a motor vehicle is not in
33 compliance with a support order, the Secretary of State shall suspend the license and right
34 to operate and obtain the license of the individual so certified. The Secretary of State may
35 not reinstate an operator's license suspended for noncompliance with a support order until
36 the Penobscot Nation issues a release that states the support obligor is in compliance with
37 the support order or the Penobscot Nation orders reinstatement.

1 **4. Notice of suspension.** Upon suspending an individual's license, permit or
2 privilege to operate under subsection 3, the Secretary of State shall notify the individual
3 of the suspension. A notice of suspension must specify the reason and statutory grounds
4 for the suspension and the effective date of the suspension and may include any other
5 notices prescribed by the Secretary of State. The notice must inform the individual that in
6 order to apply for reinstatement, the individual must obtain a release from the Penobscot
7 Nation. The notice must inform the individual that the individual may file a petition for
8 judicial review of the notice of suspension in the Penobscot Nation Tribal Court within 30
9 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section
10 9052, subsection 1 does not apply to a notice of suspension issued under this section.

11 **5. Temporary license.** Upon being presented with a conditional release issued by
12 the Penobscot Nation and at the request of an individual whose operator's license, permit
13 or privilege to operate has been suspended under this section, the Secretary of State may
14 issue the individual a temporary license valid for a period not to exceed 120 days.

15 **6. Rules.** The Secretary of State shall adopt rules to implement and enforce the
16 requirements of this section. Rules adopted pursuant to this subsection are routine
17 technical rules as described in Title 5, chapter 375, subchapter 2-A.

18 **7. Agreement.** The Secretary of State and the Penobscot Nation may enter into an
19 agreement to carry out the requirements of this section.

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.

22 **SUMMARY**

23 This bill authorizes the Secretary of State to suspend the operator's license of a person
24 who is in violation of an order issued by the Penobscot Nation for the support and
25 maintenance of a child or a child and the parent with whom the child is living.