

MAINE STATE LEGISLATURE

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R. 02/15

Date: 6/15/15

(Filing No. S-259)

JUDICIARY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 180, L.D. 451, Bill, "An Act To Improve Disclosure Procedures"

Amend the bill by striking out all of section 1 and inserting the following.

'Sec. 1. 14 MRSA §3126-A, sub-§8 is enacted to read:

8. Order to Department of Labor. When it is shown upon ex parte motion and affidavit that the judgment debtor has failed to make 2 or more payments required by an installment payment order under this section, the court shall order the Department of Labor to provide the judgment creditor with the name and address of the current or most recent employer of the judgment debtor, if any, together with the date the employer last reported wage information concerning the judgment debtor. The affidavit must specify the manner of application of all payments made pursuant to the installment payment order. An order directed to the Department of Labor under this section may be served by the judgment creditor by ordinary mail, accompanied by a reasonable fee set by the Department of Labor calculated to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations. The Department of Labor shall respond to the judgment creditor within 20 days after receipt of the court order.'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 14 MRSA §3135, 5th ¶, as enacted by PL 2011, c. 177, §1, is amended to read:

An order directed to the Department of Labor under this section may be served by the judgment creditor by ordinary mail, accompanied by a reasonable fee set by the Department of Labor calculated to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations. The Department of Labor shall respond to the judgment creditor within 20 days after receipt of the court order.'

Amend the bill by inserting after section 6 the following:

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 180, L.D. 451

1 'Sec. 7. Appropriations and allocations. The following appropriations and
2 allocations are made.

3 **LABOR, DEPARTMENT OF**

4 **Employment Security Services 0245**

5 Initiative: Transfers and reallocates the cost of one Office Associate II position from the
6 Federal Expenditures Fund to Other Special Revenues Funds within the same program to
7 support the increase in the volume of work related to court-ordered disclosures.

8	FEDERAL EXPENDITURES FUND	2015-16	2016-17
9	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
10	Personal Services	(\$96,489)	(\$101,189)
11			
12	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$96,489)</u>	<u>(\$101,189)</u>

13 **Employment Security Services 0245**

14 Initiative: Transfers and reallocates the cost of one Office Associate II position from the
15 Federal Expenditures Fund to Other Special Revenues Funds within the same program to
16 support the increase in the volume of work related to court-ordered disclosures.

17	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
18	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
19	Personal Services	\$96,489	\$101,189
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$96,489</u>	<u>\$101,189</u>

22 **Employment Security Services 0245**

23 Initiative: Allocates funds associated with the All Other costs to support the increase in
24 the volume of work related to court-ordered disclosures.

25	OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
26	All Other	\$15,175	\$15,649
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$15,175</u>	<u>\$15,649</u>

29 **LABOR, DEPARTMENT OF**
30 **DEPARTMENT TOTALS**

31		2015-16	2016-17
32	FEDERAL EXPENDITURES FUND	(\$96,489)	(\$101,189)
33	OTHER SPECIAL REVENUE FUNDS	\$111,664	\$116,838
34		<u> </u>	<u> </u>

COMMITTEE AMENDMENT

11. 91. 82.

COMMITTEE AMENDMENT "A" to S.P. 180, L.D. 451

1 DEPARTMENT TOTAL - ALL FUNDS \$15,175 \$15,649

2

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
4 section number to read consecutively.

5 SUMMARY

6 This amendment provides that the court shall order the Department of Labor to
7 provide employment information about a judgment debtor after the judgment debtor has
8 failed to make 2 or more payments required by an installment payment order in response
9 to an ex parte motion and affidavit filed by the judgment creditor. The bill proposes to
10 require a showing that the judgment debtor has failed to timely make 2 or more payments.
11 The amendment requires the affidavit to describe how payments made by the judgment
12 debtor, including those received late, have been applied to support the judgment creditor's
13 motion based on there being at least 2 unpaid installment payments.

14 This amendment adds language consistent with current law that provides that the
15 judgment creditor may serve the order on the Department of Labor by ordinary mail and
16 that the order must be accompanied by a reasonable fee set by the Department of Labor to
17 cover the costs of processing the request and providing the employment information. The
18 Department of Labor must provide the employment information to the judgment creditor
19 within 20 days after receiving the court order. The fee the Department of Labor may
20 require to respond to a court order for employment information under the existing law is
21 set by the department; the amendment requires that the fee be calculated by the
22 department to cover the full labor, overhead and other costs of administering the order
23 pursuant to state rules and federal regulations.

24 The amendment adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See Attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 451

LR 637(02)

An Act To Improve Disclosure Procedures

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-259)
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Appropriations/Allocations				
Federal Expenditures Fund	(\$96,489)	(\$101,189)	(\$106,238)	(\$111,550)
Other Special Revenue Funds	\$111,664	\$116,838	\$122,394	\$127,706
Revenue				
Other Special Revenue Funds	\$111,664	\$116,838	\$122,394	\$127,706

Fiscal Detail and Notes

This legislation expands the circumstances under which the Department of Labor must disclose employment data for certain individuals to include small claims court disclosure proceedings and allows for the department to collect a reasonable fee for providing the information.

The department has indicated that the Bureau of Unemployment Compensation will require one Office Associate II position to perform the duties necessary to comply with the requirements of this bill. Although the bureau does currently have a vacant Office Associate II position, it is federally funded and the duties required by this legislation fall outside the scope of work that federal funds can be used for.

This bill includes Other Special Revenue Funds allocations of \$96,489 in fiscal year 2015-16 and \$101,189 in fiscal year 2016-17 and corresponding Federal Expenditures Fund deallocations to the Employment Security Services program within the Department of Labor to transfer and reallocate the cost of the vacant Office Associate II position from the Federal Expenditures Fund to Other Special Revenue Funds. This bill also includes Other Special Revenue Funds allocations of \$15,175 and \$15,649 in fiscal years 2015-16 and 2016-17, respectively for the All Other costs. This fiscal note assumes that sufficient revenue will be generated from the fees to cover the personal services and all other costs of the position.

The Judicial Department will experience an increase in the workload of District Court Justices and a reduction in clerk duties. The net impact is expected to be minor