

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1330

H.P. 905

House of Representatives, April 14, 2015

An Act To Enhance Efficiency in the Collection of Child Support Obligations

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator BRAKEY of Androscoggin.

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

2 **Sec. 1. 14 MRSA §3128-A, sub-§3**, as amended by PL 2011, c. 34, §1, is further
3 amended to read:

4 **3. Duration.** The order continues in effect for one year ~~or until the obligor finds~~
5 ~~work, whichever occurs first.~~

6 **Sec. 2. 19-A MRSA §2001, sub-§5, ¶D**, as enacted by PL 1995, c. 694, Pt. B, §2
7 and affected by Pt. E, §2, is amended to read:

8 D. Gross income may include the difference between the amount a party is earning
9 and that party's earning capacity when the party voluntarily becomes or remains
10 unemployed or underemployed, if sufficient evidence is introduced concerning a
11 party's current earning capacity. In the absence of evidence in the record to the
12 contrary, a party that is personally providing primary care for a child under the age of
13 ~~3 years~~ 6 months is deemed not available for employment. The court shall consider
14 anticipated child care and other work-related expenses in determining whether to
15 impute income, or how much income to impute, to a party providing primary care to
16 a child between the ages of ~~3~~ 6 months and 12 years. A party who is incarcerated in a
17 correctional or penal institution is deemed available only for employment that is
18 available through such institutions.

19 **Sec. 3. 19-A MRSA §2006, sub-§5, ¶A**, as enacted by PL 1995, c. 694, Pt. B, §2
20 and affected by Pt. E, §2, is amended to read:

21 A. When the parent who is not the primary care provider is legally obligated to
22 support a child in that party's household other than the child for whom a support order
23 is being sought, an adjustment must be made to that party's parental support
24 obligation. The adjustment is made by using the nonprimary residential care
25 provider's annual gross income to compute a theoretical support obligation under the
26 support guidelines for each child in that household. Neither the child support
27 received by nor the financial contributions of the other parent of each child in the
28 household are considered in the theoretical support calculation. The obligation is
29 then subtracted from the annual gross income, and the adjusted income is the amount
30 used to calculate support. The adjustment is used in all appropriate cases, ~~except~~
31 ~~when the result would be a reduction in an award previously established.~~

32 **Sec. 4. 19-A MRSA §2302, sub-§4**, as enacted by PL 2001, c. 255, §1, is
33 repealed.

34 **Sec. 5. 19-A MRSA §2652, sub-§6**, as enacted by PL 1995, c. 694, Pt. B, §2 and
35 affected by Pt. E, §2, is amended to read:

36 **6. Fees.** A notice to the obligor and payor of income that the payor of income shall
37 withhold and send to the department a fee of \$2 per ~~week~~ pay period in addition to the
38 amount withheld for child support.

