

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1562

S.P. 614

In Senate, January 14, 2016

An Act To Make Technical Changes to the Laws Governing Child Support

(EMERGENCY)

Submitted by the Department of the Attorney General pursuant to Joint Rule 203.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BURNS of Washington.
Cosponsored by Representative HOBBS of Saco.

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,** the Maine Parentage Act and changes to rules governing the child support
4 table take effect July 1, 2016; and

5 **Whereas,** it is necessary for corrections to the child support guidelines to take effect
6 on the same date that the Maine Parentage Act and changes to rules governing the child
7 support table take effect; and

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

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

13 **Sec. 1. 19-A MRSA §1653, sub-§13,** as enacted by PL 1995, c. 694, Pt. B, §2
14 and affected by Pt. E, §2, is repealed.

15 **Sec. 2. 19-A MRSA §2001, sub-§1,** as enacted by PL 1995, c. 694, Pt. B, §2 and
16 affected by Pt. E, §2, is amended to read:

17 **1. Basic support entitlement.** "Basic support entitlement" means the sum derived
18 from the child support table appropriate ~~to the age of~~ for each child and the parties' gross
19 income.

20 **Sec. 3. 19-A MRSA §2001, sub-§11,** as enacted by PL 1995, c. 694, Pt. B, §2
21 and affected by Pt. E, §2, is repealed.

22 **Sec. 4. 19-A MRSA §2006, sub-§1,** as enacted by PL 1995, c. 694, Pt. B, §2 and
23 affected by Pt. E, §2, is amended to read:

24 **1. Determination of basic support entitlement.** After the court or hearing officer
25 determines the annual gross income of ~~both the~~ the parties, the ~~2~~ incomes must be added
26 together to provide a combined annual gross income and applied to the child support table
27 to determine the basic support entitlement for each child. If there are more than 2 legal
28 parents, the incomes of all legal parents must be added together to provide a combined
29 annual gross income for purposes of determining the basic support entitlement for each
30 child.

31 ~~When there is a child within each age category, the~~ The court or hearing officer shall
32 refer to the table and locate the figure in the left-hand column that is closest to the
33 parents' combined annual gross income. ~~In each age category the~~ The court or hearing
34 officer shall determine the dollar figure for the total number of children for whom support
35 is being determined; and multiply the dollar figure in each age category by the number of
36 children in that category and add the 2 products. The resulting dollar amount represents
37 the basic support entitlement.

1 **Sec. 5. 19-A MRSA §2006, sub-§4**, as amended by PL 2005, c. 352, §3, is
2 further amended to read:

3 **4. Computation of parental support obligation.** The total basic support obligation
4 must be divided between ~~the~~ all parties in proportion to their respective gross incomes.
5 The court or hearing officer shall order ~~the~~ each party not providing primary residential
6 care to pay, in money, that party's share of the total basic support obligation to the party
7 providing primary residential care. The primary residential care provider is presumed to
8 spend the primary care provider's share directly on each child. If the court or hearing
9 officer determines that the parties provide substantially equal care for a child for whom
10 support is sought, presumptive support must be calculated in accordance with subsection
11 5, paragraph D-1. ~~Both~~ All parents are equally responsible for child support if a caretaker
12 relative provides primary residential care for the child. The caretaker relative's income
13 may not be considered in determining the parents' child support obligation.

14 **Sec. 6. 19-A MRSA §2006, sub-§5, ¶A**, as amended by PL 2015, c. 186, §3, is
15 further amended to read:

16 A. When ~~the~~ a parent who is not the primary care provider is legally obligated to
17 support a child in that party's household other than the child for whom a support order
18 is being sought, an adjustment must be made to that party's parental support
19 obligation. The adjustment is made by using the nonprimary residential care
20 provider's annual gross income to compute a theoretical support obligation under the
21 support guidelines for each child in that household. Neither the child support
22 received by nor the financial contributions of the other ~~parent~~ parents of each child in
23 the household are considered in the theoretical support calculation. The obligation is
24 then subtracted from the annual gross income, and the adjusted income is the amount
25 used to calculate support. The adjustment is used in all appropriate cases.

26 **Sec. 7. 19-A MRSA §2006, sub-§5, ¶C**, as amended by PL 2011, c. 34, §2, is
27 further amended to read:

28 C. The subsistence needs of ~~the~~ nonprimary care ~~provider~~ providers must be taken
29 into account when establishing the parental support obligation. If the annual gross
30 income of ~~the~~ a nonprimary care provider is less than the federal poverty guideline,
31 ~~the~~ that nonprimary care provider's weekly parental support obligation may not
32 exceed 10% of ~~the~~ that nonprimary care provider's weekly gross income, regardless
33 of the amount of the parties' combined annual gross income. The child support table
34 includes a self-support reserve for obligors earning \$22,800 or less per year. If,
35 ~~within an age category,~~ the a nonprimary care provider's annual gross income,
36 without adjustments for children in the household, is in the self-support reserve for
37 the total number of children for whom support is being determined, the amount listed
38 in the self-support reserve multiplied by the number of children ~~in the age category~~
39 ~~the~~ that nonprimary care provider's support obligation for the children ~~in that age~~
40 ~~category~~, regardless of the parties' combined annual gross income. The nonprimary
41 care ~~provider's~~ providers' proportional share of ~~childcare~~ child care, health insurance
42 premiums and extraordinary medical expenses are added to this basic support
43 obligation. This paragraph does not apply if its application would result in a greater

1 support obligation than a support obligation determined without application of this
2 paragraph.

3 **Sec. 8. 19-A MRSA §2006, sub-§5, ¶D**, as amended by PL 2003, c. 415, §9, is
4 further amended to read:

5 D. When any of the parties have equal annual gross incomes and provide
6 substantially equal care for each child for whom support is being determined, ~~neither~~
7 ~~party is none of those parties are~~ required to pay ~~the other~~ any other of those parties a
8 parental support obligation. ~~The~~ Those parties shall share equally the child care
9 costs, health insurance premiums and uninsured medical expenses.

10 **Sec. 9. 19-A MRSA §2006, sub-§5, ¶D-1**, as enacted by PL 2003, c. 415, §10, is
11 amended to read:

12 D-1. When the parties do not have equal annual gross incomes but provide
13 substantially equal care for each child for whom support is being determined, the
14 presumptive parental support obligation must be determined as follows.

15 (1) The enhanced support entitlement for each child must be determined.

16 (2) Using the enhanced support entitlement, a parental support obligation for
17 each child must be determined by dividing the total enhanced support obligation
18 ~~between~~ among the parties in proportion to their respective gross incomes.

19 (3) ~~The~~ A party with ~~the~~ a higher annual gross income than another party has a
20 presumptive obligation to pay the other party the lower of:

21 (a) The difference between their parental support obligations as calculated
22 in subparagraph (2); and

23 (b) The presumptive parental support obligation determined for the payor
24 party using the basic support entitlement under the support guidelines as
25 though the other party provided primary residential care of the child.

26 (4) The parties shall share the child care costs, health insurance premiums and
27 uninsured medical expenses in proportion to their incomes.

28 **Sec. 10. 19-A MRSA §2006, sub-§6**, as enacted by PL 1995, c. 694, Pt. B, §2
29 and affected by Pt. E, §2, is repealed.

30 **Sec. 11. 19-A MRSA §2006, sub-§7, ¶¶B and C**, as enacted by PL 1995, c.
31 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

32 B. The annual gross income of each party and the combined annual income of ~~both~~
33 the parties;

34 C. The amount of the basic weekly support entitlement attributable to each child
35 ~~under 12 years of age~~, as indicated per child per week on the child support table;

36 **Sec. 12. 19-A MRSA §2006, sub-§7, ¶D**, as enacted by PL 1995, c. 694, Pt. B,
37 §2 and affected by Pt. E, §2, is repealed.

