

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND NINTH LEGISLATURE
1979

The result of the election shall be declared by the Washington County Board of Commissioners and due certificates thereof filed by the county clerk with the Secretary of State.

Sec. 3. Transition. The transition of the Washington County district system shall be made in the following manner. In 1980, a commissioner resident of Commissioner District number 1 shall be elected by the qualified electors of that district. In 1980, a commissioner resident of Commissioner District number 2 shall be elected by the qualified electors of that district. In 1982, a commissioner resident of Commissioner District number 3 shall be elected by the qualified electors of that district. Thereafter, elections shall continue in a manner so that each district shall at all times have a commissioner elected from that district on the board.

Effective September 14, 1979

CHAPTER 309

H. P. 668 — L. D. 828

AN ACT to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act.

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

Sec. 1. 19 MRSA § 494, as enacted by PL 1975, c. 532, § 3, is amended by adding after the first sentence a new sentence to read:

For the purposes of this subchapter only, authorized representatives of the commissioner may serve any notice or lien described in this subchapter.

Sec. 2. 19 MRSA § 495, as enacted by PL 1975, c. 532, § 3, is repealed and the following enacted in its place:

§ 495. Payment of public assistance creates debt to department

1. Public assistance. A payment of public assistance for the benefit of a dependent child creates a debt due the department by any responsible parent in the amount of public assistance paid.

2. Interstate cooperation. A payment of public assistance by another state for the benefit of a dependent child located within that state creates a debt to that state by a responsible parent in the amount of the public assistance paid. Upon certification by a state to the Department of Human Services that public assistance is being rendered and that a responsible parent resides within the State of Maine, the Department of Human Services, after obtaining an Inter-state

Assignment of Rights, may attempt to collect the debt, by action under any appropriate statute, including, but not limited to, remedies established by this subchapter.

3. **Definition of State.** "State" shall mean any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

Sec. 3. 19 MRSA § 498, sub-§ 4, ¶ B, as amended by PL 1977, c. 694, § 296, is repealed and the following enacted in its place:

B. Decision. The decision shall include a statement of the responsibility of the alleged responsible parent, a statement of the periodic support payment, the amount of debt accrued and the periodic payment against the accrued debt. A copy of the decision shall be served upon the responsible parent. Written notice of the responsible parent's right to review or appeal of the decision within the department or review of the decision by the courts, as the case may be, and of the action required and the time within which the action shall be taken in order to exercise the right of review or appeal shall be given to the responsible parent with the decision.

Sec. 4. 19 MRSA § 498, sub-§ 6, as enacted by PL 1975, c. 532, § 3, is repealed and the following enacted in its place:

6. **Subsequent court order.** An administrative decision under this section shall remain in effect until superseded by a subsequent court order, or subsequent administrative hearing.

Sec. 5. 19 MRSA § 499, first sentence, as enacted by PL 1975, c. 532, § 3, is amended to read:

If a court order of support exists, the department shall be subrogated to the right of any dependent child or person having the custody of the child named in the court order to pursue any support action or any administrative remedy to secure payment of the debt accrued or accruing under section 495, **sub-section 1**, and to enforce the court order.

Sec. 6. 19 MRSA § 500, first sentence, as enacted by PL 1975, c. 532, § 3, is amended to read:

When the department is subrogated to a court order of support under section 499, the commissioner may issue to the responsible parent a notice of debt accrued or accruing under section 495, **subsection 1**.

Sec. 7. 19 MRSA § 500, sub-§ 1, ¶ D, as enacted by PL 1975, c. 532, § 3, is repealed and the following enacted in its place:

D. A demand for payment of the support debt within 20 days of receipt of the

notice of debt; and

Sec. 8. 19 MRSA § 504, sub-§ 4, as enacted by PL 1975, c. 532, § 3, is repealed and the following enacted in its place:

4. Answer. Any persons served with an order to withhold and deliver shall answer the order within 20 days of receipt of the order.

Sec. 9. 19 MRSA § 504, sub-§ 5, 2nd sentence, as enacted by PL 1975, c. 532, § 3, is repealed and the following enacted in its place:

After 20 days from the date of receipt of this order and upon demand of the commissioner, the property of the responsible parent shall be delivered forthwith to the commissioner.

Sec. 10. 19 MRSA § 510, as enacted by PL 1975, c. 532, § 3, is amended by adding at the end a new sentence to read:

An aggrieved employee may maintain a civil action against his employer for violation of this section.

Effective September 14, 1979

CHAPTER 310

H. P. 583 — L. D. 733

AN ACT Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries.

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

5 MRSA § 1092, sub-§ 12-A, is enacted to read:

12-A. Cardiovascular injury or disease or pulmonary disease suffered by a fire fighter.

A. In participating local districts which have not adopted the disability retirement benefits enacted by public law 1975, chapter 622, section 54, and subsequent amendments, it shall be presumed that a member has incurred a disability in the line of duty which occurred while in actual performance of duty at some definite time and place and was not caused by the willful negligence of the member if:

(1) The disability is the result of a cardiovascular injury which occurred or