

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

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FOURTH AND FIFTH SPECIAL SESSIONS

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ONE HUNDRED AND TENTH LEGISLATURE

1981

C. If a member of the school committee in a community school district which does not include grades 1 through 12 is absent from a meeting, the senior nonvoting member shall be allowed all the rights and privileges of the absent member, with the exception of the right to vote. This paragraph shall apply only to a community with only one member on the community school committee.

Sec. 3. 20 MRSA §471, first sentence, as amended by PL 1967, c. 425, §19, is amended to read:

Every town, not included in a School Administrative District or a community school district which operates grades 1 through 12, shall choose by ballot at its annual meeting a school committee of 3 to hold office as provided in section 472 and shall fill vacancies arising therein at each subsequent annual meeting.

Effective July 13, 1982.

CHAPTER 657

H.P. 2184 - L.D. 2070

AN ACT to Amend the Child Support Laws.

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

Sec. 1. 17-A MRSA §552, sub-§2-A is enacted to read:

2-A. Prosecution may be brought in any venue where either the dependent or the defendant resides.

Sec. 2. 19 MRSA §448-A, as enacted by PL 1975, c. 532, §2, is repealed and the following enacted in its place:

§448-A. Duty of Department of Human Services to enforce support obligations

1. Enforcement of support obligation. Upon application, the Department of Human Services may, for a fee, locate absent parents, enforce support obligations and

determine paternity on behalf of applicants who are not recipients of public assistance, by actions under any appropriate statute, including, but not limited to, remedies established in subchapter V, to establish and enforce the support obligations. The department and the applicant shall sign an agreement in duplicate describing the fee. On a showing of necessity, the department may defer or waive that fee.

2. Termination of department enforcement of support obligations. The department shall terminate its services to an applicant when the support obligation is no longer in arrears, except as otherwise mandated by a court. This subsection shall not apply to interstate enforcement of support.

3. Fees. The department shall by rule establish a schedule of fees for enforcement of support obligations. In enforcing support obligations, the department shall impose such fees against the obligor as are mandated by federal law and regulations. The department may impose such other reasonable fees and costs against the obligee or obligor as are not prohibited by federal law and regulations.

4. Application of fees. The department shall retain all fees and apply them toward the administration of the location, paternity and support enforcement programs.

5. Definitions. As used in this section, the following terms shall have the following meanings.

A. "Applicant" means an individual, state, political subdivision of a state or instrumentality of a state.

B. "Support obligations" means the amount due an obligee for support under a court order or administrative decision and includes any arrearages of support which has accrued.

Sec. 3. 19 MRSA §493, sub-§6, as enacted by PL 1975, c. 532, §3, is amended to read:

6. "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, and all gain derived from capital, from labor or from both combined, including profit gained through sale or conversion of capital assets, and unemployment compensation benefits, but does not include payments by any department or division of the State or Federal Government based upon inability to work or

obtain employment.

Sec. 4. 19 MRSA §495, as repealed and replaced by PL 1979, c. 309, §2, is repealed and the following enacted in its place:

§495. Creation of debt to department

1. Public assistance. Debts due the department for public assistance are as follows.

A. When no court order of support has been established, a payment of public assistance for the benefit of the dependent child creates a debt due the department from the responsible parent in the amount of public assistance paid. When a periodic support payment has been established under section 498, the debt shall be limited to the amount stated in the decision.

B. Whenever a court order of support has been established, the debt due the department from the responsible parent shall be the amount established under that order.

(1) The debt shall not be limited by the amount of public assistance paid for the benefit of the dependent child. Amounts collected by the department in excess of public assistance expended shall be distributed pursuant to section 513.

(2) The issuance of a court order of support shall not relieve the responsible parent of any liability for a debt which previously had accrued under paragraph A.

1-A. Failure to pay child support. For actions initiated pursuant to section 448-A, failure to pay support obligations under a court or administrative order of support shall create a debt due the applicant. Upon assignment of the debt to the Department of Human Services by the applicant, the department may take action to enforce or collect the debt under any appropriate statute including, but not limited to, remedies contained in this subchapter.

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" means any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

Sec. 5. 19 MRSA §496, last 2 paragraphs, as enacted by PL 1975, c. 532, §3, are repealed as follows:

~~When a court order of support has been issued, the debt shall be limited to the amount of the court order.~~

~~When a periodic support payment has been established under section 498, the debt shall be limited to the amount stated in the decision.~~

Sec. 6. 19 MRSA §498, sub-§7 is enacted to read:

7. Enforcement under section 448-A. An administrative decision under this section shall be treated as a support obligation for purposes of enforcement under section 448-A.

Sec. 7. 19 MRSA §499, sub-§1, first sentence, as repealed and replaced by PL 1979, c. 663, §125, 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 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, ~~subsection 4~~ and to enforce the court order.

Sec. 8. 19 MRSA §500, first ¶, as amended by PL 1979, c. 309, §6, is further 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 4~~.

Sec. 9. 19 MRSA §515, sub-§1, first sentence, as enacted by PL 1975, c. 532, §3, is repealed and the following enacted in its place:

If the responsible parent moves, within 7 days of receipt of the request for review, the department shall send, by registered or certified mail, the responsible parent a notice of hearing setting a hearing date not less than 15 nor more

than 30 days from the date of service of the request for review.

Effective July 13, 1982.

CHAPTER 658

S.P. 749 - L.D. 1752

AN ACT Concerning Payment of School Committee Debts.

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

Sec. 1. 20 MRSA §161, sub-§2, as amended by PL 1967, c. 425, §19, is repealed and the following enacted in its place:

2. Auditor; vouchers to be approved. He shall issue vouchers showing the correctness of bills contracted on account of school appropriations. A bill may not be allowed for payment by:

A. The municipal officers in an incorporated school district, unless it has been approved in accordance with section 853; or

B. The treasurer of a school administrative district, unless it has been approved by a majority vote of the full membership of the board of directors or a finance committee elected in accordance with section 306.

Sec. 2. 20 MRSA §853, 2nd sentence, as amended by PL 1967, c. 425, §19, is repealed and the following enacted in its place:

No order may be drawn by the officers except upon presentation of a properly avouched bill of items, the bill of items having first been approved by a majority of the members of the school committee or a finance committee of that school committee selected by them and certified by the superintendent of schools.

Effective July 13, 1982.
