

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

Sec. B-17. 32 MRSA §§3604 and 3606, as amended by PL 1985, c. 748, §42, are further amended to read:

§3604. Reports; liaison; limitations

On or before August 1st of each year, the board shall submit to the Commissioner of Professional and Financial Regulation, for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the ~~commission board deems~~ determines essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner ~~shall not have the authority to~~ may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter.

§3606. Budget

The board shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter.

See title page for effective date.

CHAPTER 660

H.P. 1279 - L.D. 1727

**An Act Concerning Rights of People
Who Are in Default of Child
Support Payment**

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

Sec. 1. 19 MRSA §305, sub-§2, ¶¶E and F, as enacted by PL 1993, c. 410, Pt. V, §4, are amended to read:

E. If the department certifies the obligor to a board for noncompliance with a court order of support, the board must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the board with a release from the department that states the obligor is in compliance with the obligor's support order. A revocation by an agency or a refusal by an agency to reissue, renew or otherwise extend the license or certificate of authority is deemed a final determination within the meaning of Title 5, section 10002; ~~and~~

F. If the obligor files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department shall stay action to certify the obligor to any board for noncompliance with a court order of support; and

Sec. 2. 19 MRSA §305, sub-§2, ¶G is enacted to read:

G. The obligor can come into compliance with a court order of support by:

(1) Paying current support;

(2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement with the department; and

(3) Meeting the obligor's health insurance obligation.

Sec. 3. 19 MRSA §305, sub-§3, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

3. Administrative hearing. An obligor may request an administrative hearing upon service of the notice described in subsection 2. The request for hearing must be made in writing and must be received by the department within 20 days of service. The department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter IV. The issues that may be ~~considered~~ determined at hearing are limited to whether the obligor is required to pay child support under a court or administrative order and whether the obligor is in compliance with a court order of support, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

Sec. 4. 19 MRSA §305, sub-§4-A is enacted to read:

4-A. Appeal to Superior Court. If the obligor appeals the department's decision under subsection 3, the Superior Court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

Sec. 5. 19 MRSA §305, sub-§6, ¶B, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

B. The department issues a decision after hearing that finds the obligor is not in compliance with a court order of support and the obligor has not appealed the decision within the 30-day appeal period provided in subsection 4; or

Sec. 6. 19 MRSA §306, sub-§3, ¶¶F and G, as enacted by PL 1993, c. 410, Pt. V, §4, are amended to read:

F. If the obligor requests a hearing, the obligor shall direct the request to the department's support enforcement office that is responsible for handling the obligor's case; ~~and~~

G. If the obligor files a motion to modify support with the court or requests the department to amend a support obligation established by an administrative decision, the department shall stay action to certify the obligor to the Secretary of State for noncompliance with a court order of support; and

Sec. 7. 19 MRSA §306, sub-§3, ¶H is enacted to read:

H. The obligor can come into compliance with a court order of support by:

(1) Paying current support;

(2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement with the department; and

(3) Meeting the obligor's health insurance obligation.

Sec. 8. 19 MRSA §306, sub-§4, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

4. Administrative hearing. An obligor may request an administrative hearing within 20 days of service of the notice described in subsection 3. The

request for hearing must be in writing and must be received by the department within 20 days. The department shall conduct the hearing in accordance with the requirements of Title 5, chapter 375, subchapter IV. The issues that may be ~~considered determined~~ at hearing are limited to whether the obligor is required to pay child support under a court order of support and whether the obligor is in compliance with a court order of support, although the obligor may raise additional issues, including the reasonableness of a payment agreement in light of the obligor's current circumstances, to be preserved for appeal.

Sec. 9. 19 MRSA §306, sub-§5-A is enacted to read:

5-A. Appeal to Superior Court. If the obligor appeals the department's decision under subsection 4, the Superior Court may hear and determine any issues raised at the hearing, including the reasonableness of a payment agreement in light of the obligor's current circumstances.

Sec. 10. 19 MRSA §306, sub-§6, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

6. Stay. If an obligor timely requests a hearing to contest the issue of compliance, the department may not certify the name of the obligor to ~~a board the~~ Secretary of State for noncompliance with a court order of support until the department issues a decision after hearing that finds the obligor is not in compliance with a court order of support.

Sec. 11. 19 MRSA §306, sub-§7, ¶B, as enacted by PL 1993, c. 410, Pt. V, §4, is amended to read:

B. The department issues a decision after hearing that finds the obligor is not in compliance with a court order of support and the obligor has not appealed the decision within the 30-day appeal period provided in subsection 5; or

See title page for effective date.

CHAPTER 661

H.P. 1337 - L.D. 1800

An Act to Rename Boarding Care Facilities and Expand Their Definitions

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and