

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

be open to inspection and audit by the State at all times. The State Auditor shall conduct an annual audit of the financial records of the council and report the results of the audit to the council, the commissioner, the Treasurer of State and the Legislature. All books and records of the council must be open to public inspection in accordance with Title 1, chapter 13, except that records and meetings of the council may by vote be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the State's milk industry or segments of that industry;

4. Annual report. Shall prepare an annual report that must include a summary of all receipts and expenditures, including expenditures for specific programs; a description of the various programs operated, contracted or sponsored by the council; and a directory of current council members, including their affiliation and term of office; and

5. Outside funding. May receive and expend funds from any source, public or private, that it determines necessary to carry out its purposes. All money received from any source must be placed in a nonlapsing, separate account or accounts, to be expended for those purposes.

Sec. 6. Salaries for fiscal year 1993-94 and fiscal year 1994-95. Notwithstanding any other provision of this Act, for the remainder of fiscal year 1993-94 and fiscal year 1994-95, the salaries paid to the employees of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board may not exceed, on an annual basis, the salaries the employees would have received had those salaries been adjusted for required shutdown and furlough days.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1994-95

**AGRICULTURE, FOOD AND
RURAL RESOURCES,
DEPARTMENT OF
Maine Dairy and Nutrition
Council**

Personal Services	\$6,772
Provides for the allocation of funds to meet the increased personal services costs of the Maine Dairy and Nutrition	

Council due to increased employer retirement costs.

Maine Dairy Promotion Board

Personal Services	3,385
Provides for the allocation of funds to meet the increased personal services costs of the Maine Dairy Promotion Board due to increased employer retirement costs.	

**DEPARTMENT OF
AGRICULTURE, FOOD AND
RURAL RESOURCES**

TOTAL \$10,157

See title page for effective date.

CHAPTER 690

H.P. 1339 - L.D. 1802

**An Act to Adopt the Uniform
Interstate Family Support Act**

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

PART A

Sec. A-1. **19 MRSA c. 7, sub-c. II,** as amended, is repealed.

Sec. A-2. **19 MRSA c. 7, sub-c. II-A** is enacted to read:

SUBCHAPTER II-A

**UNIFORM INTERSTATE FAMILY
SUPPORT ACT**

Article 1

General Provisions

§421. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Child. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent

or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. Child support order. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

3. Duty of support. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse or former spouse, including an unsatisfied obligation to provide support.

4. Home state. "Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state in which the child lived from birth with a parent or a person acting as parent. A period of temporary absence of a parent or a person acting as parent is counted as part of the 6-month or other period.

5. Income. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

6. Income-withholding order. "Income-withholding order" means an order or other legal process directed to an obligor's employer, as defined by chapter 14-B, to withhold support from the income of the obligor.

7. Initiating state. "Initiating state" means a state in which a proceeding under this Act or a law substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

8. Initiating tribunal. "Initiating tribunal" means the authorized tribunal in an initiating state.

9. Issuing state. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

10. Issuing tribunal. "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

11. Law. "Law" includes decisional and statutory law and rules and regulations having the force of law.

12. Obligee. "Obligee" means:

A. An individual to whom a duty of support is or is alleged to be owed or in whose favor a sup-

port order has been issued or a judgment determining parentage has been rendered;

B. A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

C. An individual seeking a judgment determining parentage of the individual's child.

13. Obligor. "Obligor" means an individual or the estate of a decedent:

A. Who owes or is alleged to owe a duty of support;

B. Who is alleged but has not been adjudicated to be a parent of a child; or

C. Who is liable under a support order.

14. Register. "Register" means to file a support order or judgment determining parentage in the registry of foreign support orders.

15. Registering tribunal. "Registering tribunal" means a tribunal in which a support order is registered.

16. Responding state. "Responding state" means a state to which a proceeding is forwarded under this Act or a law substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

17. Responding tribunal. "Responding tribunal" means the authorized tribunal in a responding state.

18. Spousal support order. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

19. State. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this Act.

19-A. State information agency. "State information agency" in this State is the Department of Human Services.

20. Support enforcement agency. "Support enforcement agency" means a public official or agency authorized to seek:

A. Enforcement of support orders or laws relating to the duty of support;

B. Establishment or modification of child support;

C. Determination of parentage; or

D. The location of obligors or their assets.

The support enforcement agency in this State is the Department of Human Services.

21. Support order. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care, arrearages or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees and other relief.

22. Tribunal. "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

§421-A. Tribunals of this State

The District Court, the Superior Court and the Department of Human Services are the tribunals of this State.

§421-B. Remedies cumulative

Remedies provided by this Act are cumulative and do not affect the availability of remedies under other law.

Article 2

Jurisdiction

Subarticle 1

Extended Personal Jurisdiction

§422. Bases for jurisdiction over nonresident

In a proceeding to establish, enforce or modify a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

1. Personal service. The individual is personally served with notice within this State;

2. Submits to jurisdiction. The individual submits to the jurisdiction of this State by consent, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

3. Resided with child. The individual resided with the child in this State;

4. Resided and provided expenses or support. The individual resided in this State and provided prenatal expenses or support for the child;

5. Child resides. The child resides in this State as a result of the acts or directives of the individual;

6. Intercourse. The individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or

7. Any other basis. There is any other basis consistent with the Constitution of Maine and the United States Constitution for the exercise of personal jurisdiction.

§422-A. Procedure when exercising jurisdiction over nonresident

A tribunal of this State exercising personal jurisdiction over a nonresident under section 422 may apply section 423-O to receive evidence from another state and section 423-Q to obtain discovery through a tribunal of another state. In all other respects, articles 3 to 7 do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this Act.

Subarticle 2

Proceedings Involving 2 or More States

§422-B. Initiating and responding tribunal of this State

Under this Act, a tribunal of this State may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

§422-C. Simultaneous proceedings in another state

1. Exercise of jurisdiction when filed in another state. A tribunal of this State may exercise jurisdiction to establish a support order when the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

A. The petition or comparable pleading in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

B. The contesting party timely challenges the exercise of jurisdiction in the other state; and

C. When relevant, this State is the home state of the child.

2. Jurisdiction may not be exercised when filed in another state. A tribunal of this State may not exercise jurisdiction to establish a support order when the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

A. The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

B. The contesting party timely challenges the exercise of jurisdiction in this State; and

C. When relevant, the other state is the home state of the child.

§422-D. Continuing, exclusive jurisdiction

1. Has continuing, exclusive jurisdiction. A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a child support order:

A. As long as this State remains the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued; or

B. Until each individual party has filed written consent with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

2. May not exercise continuing, exclusive jurisdiction. A tribunal of this State issuing a child support order consistent with the law of this State may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this Act.

3. Modification by another state's tribunal. If a child support order of this State is modified by a tribunal of another state pursuant to a law substantially similar to this Act, a tribunal of this State loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this State, and may only:

A. Enforce the order that was modified as to amounts accruing before the modification;

B. Enforce nonmodifiable aspects of that order; and

C. Provide other appropriate relief for violations of that order that occurred before the effective date of the modification.

4. Recognition of jurisdiction of another state's tribunal. A tribunal of this State shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order pursuant to a law substantially similar to this Act.

5. Temporary support order. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

6. Jurisdiction over spousal support order. A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

§422-E. Enforcement and modification of support order by tribunal having continuing jurisdiction

1. Initiating tribunal to enforce or modify. A tribunal of this State may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

2. Responding tribunal to enforce or modify. A tribunal of this State having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 423-O to receive evidence from another state and section 423-Q to obtain discovery through a tribunal of another state.

3. Responding tribunal to modify spousal support. A tribunal of this State that lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

Subarticle 3

Reconciliation with Orders of Other States

§422-F. Recognition of child support orders

1. Recognition of orders. If a proceeding is brought under this Act, and one or more child support orders have been issued in this State or another state

with regard to an obligor and a child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction.

A. If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

B. If 2 or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this Act, the order of that tribunal must be recognized.

C. If 2 or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this Act, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

D. If 2 or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this Act, the tribunal of this State may issue a child support order, which must be recognized.

2. Tribunal having continuing, exclusive jurisdiction. The tribunal that has issued an order recognized under subsection 1 is the tribunal having continuing, exclusive jurisdiction.

§422-G. Multiple child support orders for 2 or more obligees

In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this State.

§422-H. Credit for payments

Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this State.

Article 3

Civil Provisions of General Application

§423. Proceedings under this Act

1. Application of article. Except as otherwise provided in this Act, this article applies to all proceedings under this Act.

2. Proceedings under Act. This Act provides for the following proceedings:

A. Establishment of an order for spousal support or child support pursuant to article 4;

B. Enforcement of a support order and income-withholding order of another state without registration pursuant to article 5;

C. Registration of an order for spousal support or child support of another state for enforcement pursuant to article 6;

D. Modification of an order for child support or spousal support issued by a tribunal of this State pursuant to article 2, subarticle 2;

E. Registration of an order for child support of another state for modification pursuant to article 6;

F. Determination of parentage pursuant to article 7; and

G. Assertion of jurisdiction over nonresidents pursuant to article 2, subarticle 1.

3. Commencement of proceeding. A proceeding authorized under this Act may be commenced in any of the following ways.

A. An individual petitioner from another state or a support enforcement agency of another state may file a petition with the Department of Human Services, which is the state information agency and the support enforcement agency for this State.

B. An individual petitioner from another state or a support enforcement agency of another state may file a petition or a comparable pleading directly in a tribunal of another state that has or can obtain personal jurisdiction over the respondent. The resulting order may be forwarded to the Department of Human Services, which is the state information agency and the support enforcement agency in this State.

C. An individual petitioner in this State or the Department of Human Services, which is the support enforcement agency of this State, may

file a petition with an initiating tribunal in another state that has or can obtain personal jurisdiction over the respondent.

D. An individual petitioner in this State may file a petition with the Department of Human Services, which is the support enforcement agency of this State, or with the court in this State. The resulting order may be forwarded to a responding tribunal in another state.

§423-A. Action by minor parent

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

§423-B. Application of law of this State

Except as otherwise provided by this Act, a responding tribunal of this State:

1. Procedural and substantive law; powers and remedies. Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

2. Determine duty and amount of support. Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

§423-C. Duties of initiating tribunal

Upon the filing of a petition authorized by this Act, an initiating tribunal of this State shall forward 3 copies of the petition and its accompanying documents:

1. To responding tribunal or agency. To the responding tribunal or appropriate support enforcement agency in the responding state; or

2. To the state information agency. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

§423-D. Duties and powers of responding tribunal

1. Duties of responding tribunal. Upon receipt of a petition or comparable pleading from the state information agency, a responding tribunal shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.

2. Powers of responding tribunal. A responding tribunal of this State, to the extent otherwise authorized by law, may do one or more of the following:

A. Issue or enforce a support order, modify a child support order or render a judgment to determine parentage;

B. Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

C. Order income withholding;

D. Determine the amount of any arrearages and specify a method of payment;

E. Enforce orders by civil or criminal contempt, or both;

F. Set aside property for satisfaction of the support order;

G. Place liens and order execution on the obligor's property;

H. Order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

I. Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants;

J. Order the obligor to seek appropriate employment by specified methods;

K. Award reasonable attorney's fees and other fees and costs; and

L. Grant any other available remedy.

3. Calculations included. A responding tribunal of this State shall include in a support order issued under this Act, or in the documents accompanying the order, the calculations on which the support order is based.

4. Support not conditional on visitation. A responding tribunal of this State may not condition the payment of a support order issued under this Act upon compliance by a party with provisions for visitation.

5. Copies of order. If a responding tribunal of this State issues an order under this Act, the tribunal shall send a copy of the order by first class mail to the

petitioner and the respondent and to the initiating tribunal, if any.

§423-E. Inappropriate tribunal

If a petition or comparable pleading is received by an inappropriate tribunal of this State, the inappropriate tribunal shall forward the petition or pleading and accompanying documents to an appropriate tribunal or to the state information agency in this State or another state.

§423-F. Duties of support enforcement agency

The Department of Human Services is the support enforcement agency in this State.

1. Services to petitioner. The support enforcement agency of this State, upon application and request by an individual or upon request of the support enforcement agency of another state, shall provide services to a petitioner in a proceeding under this Act.

2. Duties. A support enforcement agency that is providing services to the petitioner as appropriate shall:

A. Take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent;

B. Request an appropriate tribunal to set a date, time and place for a hearing;

C. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

D. Within 2 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice by first class mail to the petitioner;

E. Within 2 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner; and

F. Notify the petitioner if jurisdiction over the respondent can not be obtained.

3. No attorney or judiciary relationship. This Act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

§423-G. Duty of Attorney General

The Attorney General shall represent the support enforcement agency in court proceedings brought pursuant to this Act.

§423-H. Private counsel

An individual may employ private counsel to represent the individual in proceedings authorized by this Act.

§423-I. Duties of state information agency

1. Designation of state information agency. The Department of Human Services is the state information agency under this Act.

2. Duties. The state information agency shall:

A. Compile and maintain a current list, including addresses, of the tribunals in this State that have jurisdiction under this Act and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

B. Maintain a register of tribunals and support enforcement agencies received from other states;

C. Accept from initiating states all petitions and requests for registration and forward them to the support enforcement agency for enforcement under subchapters V and VI. If the department determines that appropriate remedies under those subchapters are not available with respect to the obligor, it shall forward the petition or the documents required for registration to the appropriate court; and

D. Upon application and request by an individual or upon request by the support enforcement agency of another state, obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and social security.

§423-J. Pleadings and accompanying documents

1. Petition; contents. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this Act must verify the petition. Unless otherwise ordered under section

423-K, the petition or accompanying documents must provide, so far as known, the names, residential addresses and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

2. Specify relief sought. The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

§423-K. Nondisclosure of information in exceptional circumstances

Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this Act.

§423-L. Costs and fees

1. No fees or costs by petitioner. The petitioner may not be required to pay a filing fee or other costs.

2. Fees and costs if obligee prevails. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

3. Costs and fees if hearing for delay. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

§423-M. Limited immunity of petitioner

1. Personal jurisdiction in another proceeding. Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

2. Not amenable to service. A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under this Act.

3. Not applicable to unrelated acts. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this Act committed by a party while present in this State to participate in the proceeding.

§423-N. Nonparentage as defense

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this Act.

§423-O. Special rules of evidence and procedure

1. Physical presence of petitioner not required. The physical presence of the petitioner in a responding tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage.

2. Admissible evidence. A verified petition, an affidavit, a document substantially complying with federally mandated forms and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, are admissible in evidence if given under oath by a party or witness residing in another state.

3. Copy of payment record admissible. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

4. Copies of bills admissible. Copies of bills for testing for parentage and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. No objection based on means of transmission. Documentary evidence transmitted from an

other state to a tribunal of this State by telephone, telecopier or other means that does not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

6. Testimony not in person. In a proceeding under this Act, a tribunal of this State may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

7. Adverse inference from refusal to answer. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. No spousal privilege. A privilege against disclosure of communications between spouses does not apply in a proceeding under this Act.

9. No familial immunity. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this Act.

§423-P. Communications between tribunals

A tribunal of this State may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state; the legal effect of a judgment, decree or order of that tribunal; and the status of a proceeding in the other state. A tribunal of this State may furnish similar information by similar means to a tribunal of another state.

§423-Q. Assistance with discovery

A tribunal of this State may:

1. Request another state's tribunal. Request a tribunal of another state to assist in obtaining discovery; and

2. Compel response. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

§423-R. Receipt and disbursement of payments

The support enforcement agency or a tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified

statement by the custodian of the record of the amounts and dates of all payments received.

Article 4

Establishment of Support Order

§424. Petition to establish support order

1. Responding tribunal may issue support order. If a support order entitled to recognition under this Act has not been issued, a responding tribunal of this State may issue a support order if:

A. The individual seeking the order resides in another state; or

B. The support enforcement agency seeking the order is located in another state.

2. Tribunal issue temporary support order. A responding tribunal of this State may issue a temporary support order pursuant to the laws of this State.

3. Tribunal issue support order. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 423-D.

Article 5

Direct Enforcement of Order of Another State without Registration

§425. Enforcement of income-withholding order of another state

1. Income-withholding order. Upon application and request by an individual, upon request of the support enforcement agency of another state or pursuant to an assignment of rights, the Department of Human Services may implement an income-withholding order issued by another state in the same manner as an income-withholding order issued under chapter 14-B. An income-withholding order implemented by the department under this section has the same effect and creates the same obligations as an income-withholding order implemented under chapter 14-B. The obligor's employer or other payor of income shall send all payments withheld from the obligor's income to the department for credit and disbursement.

2. Right to hearing. An obligor may request an administrative hearing to contest withholding. Section 426-C applies to the hearing. The department shall notify the obligor of the right to hearing when withholding is implemented.

§425-A. Administrative enforcement of orders

1. Documents to state information agency. A party residing in another state seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state shall send the documents required for registering the order to the state information agency, which shall forward them to the support enforcement agency of this State for enforcement.

2. Consider and enforce. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the order can not be enforced using available administrative procedures, the department may register the support order or the income-withholding order with the appropriate court.

Article 6**Enforcement and Modification of Support Order after Registration****Subarticle 1****Registration and Enforcement of Support Order****§426. Registration of order for enforcement**

A support order or an income-withholding order issued by a tribunal of another state may be sent to the state information agency in this State for registration in this State for enforcement.

§426-A. Procedure to register order for enforcement

1. Required documents and information. A party residing in this State or the state information agency may forward the following documents and information to the appropriate court in this State for registration in this State for enforcement:

- A. A letter of transmittal to the tribunal requesting registration and enforcement;
- B. Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- C. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearages;
- D. The name of the obligor and, if known:

(1) The obligor's address and social security number;

(2) The name and address of the obligor's employer and any other source of income of the obligor; and

(3) A description and the location of property of the obligor in this State not exempt from execution; and

E. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

2. File as foreign judgment. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

3. Additional petition filed at same time. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration, or later. The pleading must specify the grounds for the remedy sought.

§426-B. Effect of registration for enforcement

1. Registered when filed. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

2. Enforceability of registered order. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

3. Recognition and enforcement of registered order; no modification. Except as otherwise provided in this article, a tribunal of this State shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

§426-C. Choice of law

1. Current payments, other obligations and arrearages under order. The law of the issuing state governs the nature, extent, amount and duration of current payments and other obligations of support and the payment of arrearages under the order.

2. Proceeding for arrearages. In a proceeding for arrearages, the statute of limitation under the laws of this State or of the issuing state, whichever is longer, applies.

Subarticle 2Contest of Validity or Enforcement§426-D. Notice of registration of order

1. Time and method of notice. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified or registered mail or by any means of personal service authorized by the law of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

2. Contents of notice. The notice must inform the nonregistering party:

A. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

B. That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice;

C. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

D. Of the amount of any alleged arrearages.

3. Notice to employer. Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to chapter 14-B.

§426-E. Procedure to contest validity or enforcement of registered order

1. Timing and remedies. A nonregistering party seeking to contest the validity or enforcement of a registered order in this State must request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 426-F.

2. Order confirmed if contest not timely. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

3. Notice of hearing to the parties. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time and place of the hearing.

§426-F. Contest of registration or enforcement

1. Defenses to contest validity or enforcement. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

A. The issuing tribunal lacked personal jurisdiction over the contesting party;

B. The order was obtained by fraud;

C. The order has been vacated, suspended or modified by a later order;

D. The issuing tribunal has stayed the order pending appeal;

E. There is a defense under the law of this State to the remedy sought;

F. Full or partial payment has been made; or

G. The statute of limitation under section 426-C precludes enforcement of some or all of the arrearages.

2. Full or partial defense. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

3. Confirmation of order. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

§426-G. Confirmed order

Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Subarticle 3**Registration and Modification of Child Support Order****§426-H. Procedure to register child support order of another state for modification**

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in subarticle 1 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

§426-I. Effect of registration for modification

A tribunal of this State may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of section 426-J have been met.

§426-J. Modification of child support order of another state

1. Modification of order issued in another state. After a child support order issued in another state has been registered in this State, the responding tribunal of this State may modify that order only if, after notice and hearing, it finds that:

A. The following requirements are met:

- (1) The child, the individual obligee and the obligor do not reside in the issuing state;
- (2) A petitioner who is a nonresident of this State seeks modification; and
- (3) The respondent is subject to the personal jurisdiction of the tribunal of this State; or

B. An individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this State may modify the support order and assume continuing, exclusive jurisdiction over the order.

2. Modification, enforcement and satisfaction. Modification of a registered child support order is subject to the same requirements, procedures and defenses that apply to the modification of an order

issued by a tribunal of this State and the order may be enforced and satisfied in the same manner.

3. No modification. A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

4. Modification order; continuing, exclusive jurisdiction. On issuance of an order modifying a child support order issued in another state, a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

5. Filing of modified order. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order and with each tribunal in which the party knows that the earlier order has been registered.

§426-K. Recognition of order modified in another state

A tribunal of this State shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction pursuant to a law substantially similar to this Act and, upon request, except as otherwise provided in this Act, shall:

1. Enforce amounts accruing before modification. Enforce the order that was modified only as to amounts accruing before the modification;

2. Enforce nonmodifiable aspects. Enforce only nonmodifiable aspects of that order;

3. Relief for violations before modification. Provide other appropriate relief only for violations of that order that occurred before the effective date of the modification; and

4. Recognize modifying order. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Article 7**Determination of Parentage****§427. Proceeding to determine parentage**

1. Initiating or responding tribunal. A tribunal of this State may serve as an initiating or responding tribunal in a proceeding brought under this Act or a law substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a

particular child or to determine that a respondent is a parent of that child.

2. Law applied. In a proceeding to determine parentage, a responding tribunal of this State shall apply the procedural and substantive law of this State, including provisions for blood or tissue typing tests, and the rules of this State on choice of law.

Article 8

Interstate Rendition

§428. Grounds for rendition

1. Governor. For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this Act.

2. Powers of governor. The Governor may:

A. Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

B. On the demand by the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

3. Application of provision for extradition. A provision for extradition of individuals not inconsistent with this Act applies to the demand described in subsection 2 even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from that state.

§428-A. Conditions of rendition

1. Proceedings for support as prerequisite. Before making demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this Act or that the proceeding would be of no avail.

2. Criminal charge in another state. If, under this Act or a law substantially similar to this Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the Governor surrender an individual charged criminally in that state with having failed to

provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. Declination to honor demand. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

Article 9

Miscellaneous Provisions

§429. Uniformity of application and construction

This Act must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

§429-A. Short title

This subchapter may be cited as the Uniform Interstate Family Support Act.

§429-B. Effective date

This subchapter takes effect July 1, 1995.

Sec. A-3. Effective date. This Part takes effect July 1, 1995.

PART B

Sec. B-1. 19 MRSA §286, as amended by PL 1973, c. 625, §97, is repealed and the following enacted in its place:

§286. Rules of civil procedure

1. Procedure. The rules of civil procedure apply to this subchapter in all cases of birth out of wedlock when the birth occurs after October 7, 1967.

2. Dismissal without prejudice. Dismissals of paternity actions must be without prejudice in all cases except:

A. When an adjudication on the merits has occurred; or

B. When the Department of Human Services is a party to the action and the department consents to the dismissal with prejudice.

See title page for effective date, unless otherwise indicated.

CHAPTER 691

H.P. 1380 - L.D. 1867

An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices

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

Sec. 1. 1 MRSA §1008, sub-§2, as amended by PL 1989, c. 561, §2, is further amended to read:

2. Election practices. To administer and investigate any violations of the requirements for campaign reports and campaign financing and to investigate and make findings of fact and opinion on the final determination of the results, within the limits of the Constitution of Maine and the Constitution of the United States, of any contested count, state or federal election within this State; ~~and~~

Sec. 2. 1 MRSA §1008, sub-§3, as enacted by PL 1989, c. 561, §3, is amended to read:

3. Ethics seminar. To conduct, in conjunction with the Attorney General and the Chair of the Legislative Council or their designees, an ethics seminar for Legislators after the general election and before the convening of the Legislature, in every even-numbered year. The Attorney General shall provide each Legislator with a bound compilation of the laws of this State pertaining to legislative ethics and conduct; and

Sec. 3. 1 MRSA §1008, sub-§4 is enacted to read:

4. Lobbyist activities. To administer the lobbyist disclosure laws, Title 3, chapter 15.

Sec. 4. 3 MRSA §312-A, sub-§7, ¶A, as enacted by PL 1993, c. 446, Pt. A, §4, is repealed.

Sec. 5. 3 MRSA §312-A, sub-§10, as amended by PL 1993, c. 446, Pt. A, §6 and Pt. B, §2, is repealed and the following enacted in its place:

10. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying in excess of 8

hours in any calendar month, or any individual who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. "Lobbyist" does not include a lobbyist associate.

Sec. 6. 3 MRSA §312-A, sub-§10-A, as enacted by PL 1993, c. 446, Pt. A, §7, is repealed and the following enacted in its place:

10-A. Lobbyist associate. "Lobbyist associate" means an individual who:

A. Is a partner, associate or employee of a lobbyist or is a coemployee of a regular employee of another person if that regular employee is registered as a lobbyist;

B. Lobbies on behalf of the employer named on the lobbyist registration; and

C. Expends more than 8 hours in any calendar month lobbying on behalf of an employer of the lobbyist.

Sec. 7. 3 MRSA §312-A, sub-§11-A, as enacted by PL 1993, c. 446, Pt. A, §10 and affected by §20, is repealed and the following enacted in its place:

11-A. Original source. "Original source" means any person who contributes \$500 or more in any year directly or indirectly to any employer of a lobbyist, except that contributions of membership dues to nonprofit corporations formed under Title 13-B, any equivalent state law or by legislative enactment are not considered contributions by an original source.

Sec. 8. 3 MRSA §312-A, sub-§12, as amended by PL 1993, c. 446, Pt. A, §8, is further amended to read:

12. Person. "Person" means an individual, corporation, proprietorship, joint stock company, business trust, syndicate, association, professional association, labor union, firm, partnership, club or other organization, whether profit or nonprofit, or any municipality or quasi-municipality or group of persons acting in concert, ~~the University of Maine, the Maine Maritime Academy, the Maine Technical College System and compensated members or employees of boards and commissions listed in Title 5, chapter 379,~~ but does not include this State or any other agency of this State.

Sec. 9. 3 MRSA §312-A, sub-§17 is enacted to read:

17. State employee or state agency employee. "State employee or state agency employee" means