

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)

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

PREPARED BY:

Martha E. Freeman, Legal Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333
(207) 289-1670



HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, ASST. DIRECTOR
GILBERT W. BREWER
DAVID C. ELLIOTT
MARTHA E. FREEMAN
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
ANDREA L. COLNES, Res. Asst.

ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Sponsor: NAJARIAN, Cote, Melendy, Rolde
Committee Report: New Draft of LD 1329.

S-453 CARPENTER

SUMMARY: This bill is required to bring the Department of Human Services into compliance with the Federal Child Support Enforcement Amendments of 1984. The bill includes the following:

1. Implements a federal mandate which requires child support enforcement agencies to make child support arrearage information available to consumer credit reporting agencies.
2. Amends existing statutory language to clarify and redefine the term "child support" to include medical and dental insurance coverage. This will enable the Department of Human Services to comply with federal law which requires the state to actively seek reimbursement of medical expenditures through utilization of health insurance coverage.
3. Amends existing laws to articulate the principle that the availability of public assistance benefits shall not affect the court's decision with respect to a parent's responsibility to provide child support. This bill also requires the court to consider existing child support obligations which had previously been established through the Department of Human Services administrative process when issuing a child support order. Additionally, this provision provides that the court may include a requirement for the payment of medical and health care expenses of a child and requires the court to order maintenance of health insurance for the child if such coverage is available to the responsible parent through his employer or union. This insures compliance with the federal mandate on the insurance issue.
4. Clarifies that Aid to Families with Dependent Children benefits expended on behalf of a mother receiving benefits for the child shall be considered an essential part of the child's needs, when the public agency attempts to recoup its expenses from an alleged father.
5. Clarifies Maine's compliance with the federal requirement for the expansion of statutes of limitation with respect to establishment of paternity. This provision permits custodians or other interested parties to initiate an action to establish paternity at any time prior to the child's 18th birthday.

6. Amends the Uniform Paternity Act to recognize the availability of more extensive and sophisticated paternity testing techniques than where contemplated when this Act was adopted by the State in 1967.
7. Allows the Department of Human Services to mandate use of a support scale in conducting administrative proceedings to establish child support obligations.
8. Clarifies the existing law with respect to establishment of child support obligations for individuals who do not receive public assistance, and places the overall law in compliance with federal law which requires the State to provide services to individuals who do not receive public assistance, regardless of whether or not arrearages exist.
9. Includes provision for enforcement and collection of past-due spousal support, including alimony, in accordance with a federal mandate, making it clear that spousal support may be collected by the State only for a spouse caring for dependent children.
10. Permits departmental hearing officers to require responsible parents to provide, obtain, and maintain health insurance coverage on behalf of their minor children if that coverage is available to the responsible parent through an employer at reasonable cost or if current coverage could be extended to include the dependent children. It also extends the time period in which a responsible parent who failed to appear at a hearing may request a new hearing, as well as establishing the extent of the review available to a decision.
11. Provides for determination of child support obligations in noncourt ordered nonwelfare cases. It also enables the department to require the obligated parent to provide medical insurance coverage or other medical benefits for the child. The adoption of this law places the department in conformance with new federal requirements.
12. Makes it clear that the department shall be subrogated to spousal and alimony orders which are not complied with. This conforms to the federal mandate.
13. Requires the department to inform the responsible parent that information concerning his support indebtedness may be reported to a consumer reporting agency.
14. Makes the exemptions applicable to garnishment of earnings consistent with the federal garnishment exemptions contained in the federal Consumer Credit Protection Act.

However, the bill retains the floor in current Maine law on the amount of a person's earnings that may be subject to withholding for child support payment. The floor also applies to withholding of child support payment from workers' compensation benefits. Th bill also retains current exemptions of certain property from actions to attach or otherwise apply the property to child support payment.

15. Establishes federally mandated expedited wage withholding within the alternative method of support enforcement.

16. Establishes more comprehensive duties upon an employer or other person holding property who has been directed to forward sums to the department from the income of a responsible parent.

17. Establish a penalty for any employer who discharges or discriminates against an employee or prospective employee because of support enforcement action. Such a penalty provision is federally mandated.

18. Provides that the commissioner may establish a fee which employers or payors may charge a responsible parent for implementing income withholding or an assignment of earnings. Such a provision is provided for in federal law.

19. Allows the court to require the posting of a bond or other security to ensure payment of a support judgment. Such a provision is required by federal law.

20. Clarifies that both the court and the department are entitled to notice in any situation involving child support, if the child has been, is, or will be receiving public assistance.

21. Provides that all support orders entered by a Maine court shall include mandatory income withholding. However, such withholding cannot be implemented until the obligor accrues a debt equal to one month's child support. Such a provision is required by federal law.

The bill also requires the termination of the withholding if the department is unable to forward funds to the obligee for three months. Funds not forwarded shall be returned to the obligor and notice shall be given to the employer or other payor to cease withholding.