

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

SUMMARY

The bill would have eliminated the statute of limitations for civil actions resulting from rape or gross sexual assault and incest if the victim of the offense was under 16 years of age at the time the offense was committed.

The bill was carried over from the First Regular Session.

LD 1463 An Act to Permit Collection of Public Assistance Overpayments by Administrative Process

PUBLIC 654

SPONSOR(S)
BUTLAND

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1027 COTE
S-532

SUMMARY

This bill establishes an administrative method for the collection of overpayments made by benefit programs administered by the Department of Human Services after the individuals who have been overpaid stop receiving benefits. The bill permits the Department of Human Services to collect overpayments by issuing income withholding orders to employers, executing wage assignments, filing liens against the obligor's property and reporting unpaid amounts to consumer credit reporting agencies.

COMMITTEE AMENDMENT "A" (S-532) replaces the bill to correct a section numbering problem. It makes several changes in the definitions set out in the bill. "Overpayment" is revised to include only overpayments that are determined by the Department of Human Services or a court to be the result of intentional program violations. "Program benefits" is changed to include only Aid to Families with Dependent Children and food stamp benefits. Overpayment notices must include mention of the collection remedies available. If the obligor requests a hearing, the obligor may raise the issue of whether the obligor is entitled to receive any credits for any reason to offset the overpayment. The department shall make a decision on the issue. The obligor has 30 days to appeal the department's decision after its issuance. The department may begin to use the collection remedies 30 days after the decision is issued. Because the collection remedies are limited to overpayments resulting from intentional program violations, the limit on income withholding orders is raised from 10% to 25% of the obligor's gross income.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1027) ensures that the remedies provided for the recovery of overpayments apply to overpayments made before the effective date of the bill.

LD 1499 An Act to Expedite the Establishment of Administrative Child Support Orders

PUBLIC 607

SPONSOR(S)
HANLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-501

SUMMARY

The bill enables the Department of Human Services to establish child support obligations more efficiently. Enactment of the Maine Revised Statutes, Title 19, section 497-A in this bill combines existing section 498, Aid to Families with Dependent Children, and section 498-A, persons who are not under the Aid to Families with Dependent Children system, to create a unified process for establishing child support obligations at administrative hearings and thus simplifies the establishment of debts when debts are owed to both the Department of Human Services and a custodial parent. This change allows the Department of Human Services to obligate a responsible parent for all periods of unpaid support at a single hearing based on the issuance of a single notice, regardless of whether the support obligation is assigned to the Department of Human Services or is owed to the custodial parent.