

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Judiciary

LD 1459

An Act To Modify Child Support Enforcement Procedures and Requirements

PUBLIC 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-241

This bill makes the following changes to the laws governing child support enforcement.

1. It authorizes a court to issue summary process for contempt if an administrative child support order has been disregarded or disobeyed.
2. It repeals the definition of "reasonable cost health insurance" and replaces it with definitions for "medical support," "private health insurance" and "reasonable cost" in accordance with final federal regulations for medical support in child support enforcement programs.
3. It clarifies that service of a notice in the expedited paternity process must be made in accordance with the requirements for personal service provided by Rule 4(d) of the Maine Rules of Civil Procedure.
4. It implements requirements of final federal regulations for medical support in child support enforcement programs.
5. It deletes the requirement that the amount of support in a child support order be "actually paid" before it can be excluded from the calculation of gross income for the purpose of calculating support for another child.
6. It repeals definitions of "health plan," "medical care costs" and "medical support" pursuant to requirements of final federal regulations for medical support in child support enforcement programs.
7. It implements requirements of final federal regulations for medical support in child support enforcement programs.
8. It extends the application of the child support table to the "highest income amount in the child support table."
9. It extends the application of the self-support reserve in the child support table to incomes greater than \$12,600.
10. It authorizes a process by which the Department of Health and Human Services may seek child support from a parent regardless of whether there is an order granting primary residential care of the child to that parent if the other parent is receiving public assistance for the child.
11. It clarifies that service of a motion to modify support is made in the manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
12. It clarifies that service of a notice of intention to certify that an obligor is not in compliance with a support order and therefore may have that obligor's license revoked or suspended is made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
13. It repeals specific biennial reporting requirements by the department to the Governor and Legislature regarding administrative license revocation.

Joint Standing Committee on Judiciary

14. It requires a 20-day notice to an obligor and other interested parties before the sale of any property seized under an order to seize and sell and that service of the notice be made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
15. It clarifies that service of an administrative support enforcement notice, order or lien is made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
16. It creates joint and several liability of a responsible person for failure to timely send to the department support payments that have been withheld pursuant to a withholding order.
17. It clarifies that service of an order to appear and disclose must be made in accordance with the requirements for personal service provided by the Maine Rules of Civil Procedure, Rule 4(d).
18. It clarifies that service of an income withholding order for support is made in the same manner as is provided for service of process by the Maine Rules of Civil Procedure, Rule 4.
19. It clarifies what income withholding law applies to a withholding order issued by another state for an obligor whose principal place of employment is this State.
20. It clarifies that the maximum amount permitted to be withheld from an obligor's income is the same regardless of whether the withholding order is issued administratively or by a court.
21. It establishes, in accordance with the requirements of the Uniform Interstate Family Support Act as enacted in this State, the law of this State regarding priority and allocation of income withheld for two or more child support obligees.

Committee Amendment "A" (S-241)

This amendment deletes sections from the bill that authorize the court to issue summary process for contempt based on failure to comply with an administrative child support order and that create joint and several liability of a responsible person for failure to timely send to the Department of Health and Human Services support payments that have been withheld pursuant to a withholding order. This amendment extends the application of the child support table to \$400,000, the actual top income amount on the child support table, rather than referring to the highest income amount in the table. This amendment extends the application of the self-support reserve in the child support table to incomes up to \$22,800. This amendment deletes the repeal of reporting requirements concerning administrative license revocation. This amendment corrects the bill to appropriately repeal only the subsection referring to personal service of notices of child support and liens in the Maine Revised Statutes, Title 19-A, section 2253.

Enacted Law Summary

Public Law 2009, chapter 290 makes changes to the laws governing child support enforcement including provisions to address:

1. Medical support in accordance with final federal regulations for medical support in child support enforcement programs;
2. Service, consistent with the Maine Rules of Civil Procedure, of notices for expedited paternity process, motions to modify, license revocation and suspension process, administrative enforcement process, orders to appear and disclose, income withholding orders and notices to seize and sell;
3. The maximum income included on the child support table, and an increase in the self support reserve as incorporated into the child support table;

Joint Standing Committee on Judiciary

4. Calculation and payment of child support when the obligor is responsible for child support for another child;
5. Child support from a parent regardless of whether there is an order granting primary residential care of the child to that parent if the other parent is receiving public assistance for the child;
6. A 20-day notice to an obligor and other interested parties before the sale of any property seized under an order to seize and sell;
7. Applicable income withholding law when a withholding order is issued by another state for an obligor whose principal place of employment is this State;
8. Maximum amount permitted to be withheld from an obligor's income regardless of whether the withholding order is issued administratively or by a court; and
9. Establishment of priority and allocation of income withheld for two or more child support obliges, consistent with the Uniform Interstate Family Support Act.

**LD 1472 An Act To Require a Municipality To Quiet Title to Certain Roads
Acquired by Adverse Possession**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

This bill requires that, in the specific instance that a municipality claims to obtain a public road by adverse possession and then subsequently abandons that road, the municipality must prove that the title to the road was established by a court decree. Failure to obtain the court decree voids a claim to the road by the municipality by adverse possession.

LD 1475 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 415
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-579

This bill, consisting of Parts A and B, corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-579)

This amendment deletes several sections from Part A and all of Part B of the bill because the corrections are made in other bills or to avoid further conflicts. This amendment adds new Parts B, C, D and E.

Part B consists of technical amendments.

Part C makes substantive corrections to Public Law 2009, chapter 54: It corrects drafting errors in the original bill. One error inadvertently repealed that portion of Title 29-A, section 2558, subsection 2, paragraph B that enhances the penalty for aggravated operating after habitual offender revocation if the driver had been once previously convicted of the same offense. Without this amendment, a 2nd offender may be prosecuted only for a Class D crime.