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## **An Act To Enhance Child Support Collections in Maine**

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

**Whereas,** it has long been the policy in the State that parents should take financial responsibility for their children; and

**Whereas,** a single parent has a difficult time raising a child when the other parent does not provide for the child, causing unnecessary hardship for the single parent and the child; and

**Whereas,** this hardship is currently being experienced by many single parents who cannot effectively collect child support from the other parent; and

**Whereas,** while the State invests significant resources into collecting child support, there still are needy and suffering children this winter due to the lack of enforcement of child support in the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 19-A MRSA §2201, sub-§1,** as amended by PL 2005, c. 352, §8, is further amended to read:

**1. Notice.** The department may serve notice upon a support obligor who is not in compliance with an order of support that informs the obligor of the department's intention to submit the obligor's name to the appropriate board and the Secretary of State as a licensee or registrant who is not in compliance with an order of support. The notice must inform the obligor that:

- A. The obligor may request an administrative hearing to contest the issue of compliance;
- B. A request for hearing must be made in writing and must be received by the department within 20 days of service;
- C. If the obligor requests a hearing within 20 days of service, the department shall stay the action to certify the obligor to a board and the Secretary of State for noncompliance with an order of support pending a decision after hearing;
- D. If the obligor does not request a hearing within 20 days of service and is not in compliance with an order of support, the department shall certify the obligor to the appropriate board and the Secretary of State for noncompliance with an order of support;

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

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 a board and the Secretary of State for noncompliance with an order of support; and

G. The obligor can comply with an 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.

The notice must include the address and telephone number of the department's support enforcement office that issues the notice and a statement of the need to obtain a written confirmation of compliance from that office as provided in subsection 8. The department shall attach a copy of the obligor's order of support to the notice. Service of the notice must be made by certified mail, return receipt requested, by service in hand, or as specified in the Maine Rules of Civil Procedure. For purposes of this section, authorized representatives of the commissioner may serve the notice.

**Sec. 2. 19-A MRSA §2201, sub-§1-B,** as enacted by PL 1997, c. 466, §9 and affected by §28, is amended to read:

**1-B. Failure to comply with written agreement.** Failure to comply with a written payment agreement is grounds for license, certificate of authority or registration revocation unless the obligor notifies the department that the obligor is unable to comply with the agreement and provides the department with evidence of the obligor's current financial circumstances to support the claim. The consequences of failing to comply with a written payment agreement and the requirements to avoid license, certificate of authority or registration revocation, if the obligor can not comply with the agreement, must be stated in the agreement. If the obligor claims inability to comply with a written payment agreement, the department, upon motion to the District Court, may request the court to determine the obligor's ability to pay past-due support. After notice and an opportunity for hearing, the court may

make a finding of money due, render judgment in that amount and order any relief provided under sections 2603 and 2603-A. For purposes of this subsection, the commissioner may designate employees of the department who are not attorneys to represent the department in District Court. The commissioner shall ensure that appropriate training is provided to all employees designated to represent the department under this subsection.

**Sec. 3. 19-A MRSA §2201, sub-§5,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**5. 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 or the Secretary of State for noncompliance with an order of support until the department issues a decision after hearing that finds the obligor is not in compliance with an order of support.

**Sec. 4. 19-A MRSA §2201, sub-§6,** as amended by PL 1997, c. 466, §§10 and 11 and affected by §28, is further amended to read:

**6. Certification of noncompliance.** The department may certify in writing to the appropriate board and the Secretary of State that a support obligor is not in compliance with an order of support if:

- A. The obligor does not timely request a hearing upon service of a notice issued under subsection 1 and is not in compliance with an order of support 21 days after service of the notice;
- B. The department issues a decision after a hearing that finds the obligor is not in compliance with an order of support and the obligor has not appealed the decision within the 30-day appeal period provided in subsection 3;
- C. The court enters a judgment on a petition for judicial review that finds the obligor is not in compliance with a support order;
- D. The obligor abandons a timely request for a hearing on the department's notice of noncompliance and is not in compliance with the support order; or
- E. The obligor fails to comply with a written payment agreement, does not notify the department that the obligor is unable to comply with the agreement and does not provide the department with evidence of the obligor's current financial circumstances.

The department shall send by regular mail a copy of a certification of noncompliance filed with a board and the Secretary of State to the obligor at the obligor's most recent address of record.

**Sec. 5. 19-A MRSA §2201, sub-§7,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**7. Notice from board and the Secretary of State.** A board and the Secretary of State shall notify an obligor certified by the department under subsection 6, without undue delay, that the obligor's application for the issuance or renewal of a license, certificate of authority or registration may not be

granted or that the obligor's license, certificate of authority or registration has been revoked because the obligor's name has been certified by the department as a support obligor who is not in compliance with an order of support.

**Sec. 6. 19-A MRSA §2201, sub-§10**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**10. Agreement.** The department and, the various boards and the Secretary of State shall enter into ~~agreements~~an agreement that ~~are~~is necessary to carry out the requirements of this section, but only to the extent the department determines it is cost-effective.

**Sec. 7. 19-A MRSA §2201, sub-§12-A** is enacted to read:

**12-A. Commissioner of Inland Fisheries and Wildlife and Secretary of State reporting.** The Commissioner of Inland Fisheries and Wildlife and the Secretary of State shall provide annually to the department specified information, on magnetic tape or other machine-readable form, according to standards established by the department, registration information concerning obligors that are residents of this State. The information to be provided must include all of the following information about the registrant:

A. Name;

B. Address of record;

C. Make, model and identification number for each motor vehicle registered under Title 29-A, section 501; snowmobile registered under Title 12, section 13104; or ATV registered under Title 12, section 13155;

D. Type of registration;

E. Effective date of registration or registration renewal; and

F. Expiration of registration.

**Sec. 8. 19-A MRSA §2201, sub-§13**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**13. Effect of noncompliance.** The department, upon receipt of the licensee information referred to in subsection 12 and registration information referred to in subsection 12-A, shall identify and notify each board, the Secretary of State and the Department of Professional and Financial Regulation, Division of Administrative Services; of the names of ~~its~~their licensees and registrants who are support obligors subject to this section. The notice must include the social security number and address of the support obligor, the name, address and telephone number of the department's designee for implementing this section and a certification by the department that it has verified that the licensee or registrant is a support obligor subject to this section. When the department notifies a board or the Secretary of State under this subsection, the department shall provide adequate notice of its action to the obligor. The notice must inform the obligor of the right to request a hearing on the issue of whether the obligor is in

compliance with an order of support. The board or the Secretary of State may not issue or renew a license or registration to a person whose name is on the most recent list from the department until the board or the Secretary of State receives a copy of the written confirmation of compliance specified in subsection 8.

**Sec. 9. 19-A MRSA §2201, sub-§14**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**14. Subsequent reissuance, renewal or other extension of license, certificate or registration.** The board or the Secretary of State may reissue, renew or otherwise extend the license ~~or~~, certificate of authority or registration in accordance with the board's or Secretary of State's rules after ~~the board receives~~receipt of a copy of the written confirmation of compliance specified in subsection 8. A board or the Secretary of State may waive any applicable requirement for reissuance, renewal or other extension ~~if it determines~~upon determination that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest.

**Sec. 10. 19-A MRSA §2201, sub-§14-A** is enacted to read:

**14-A. Vehicle registrations.** A support obligor may have one registration under Title 29-A, section 501 exempt from the provisions of this section.

**Sec. 11. 19-A MRSA §2201, sub-§16** is enacted to read:

**16. Registration defined.** Except for purposes of subsection 14-A, for purposes of this section, "registration" means a registration of a motor vehicle under Title 29-A, section 501; a snowmobile under Title 12, section 13104; or an ATV under Title 12, section 13155.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This bill specifies that a snowmobile registration, an ATV registration and a second or subsequent motor vehicle registration may not be issued to a person who has defaulted on a child support order or must be revoked by the issuing agency.