

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1 and inserting the following.

‘**Sec. 1. 14 MRSA §3126-A, sub-§8** is enacted to read:

8. Order to Department of Labor. When it is shown upon ex parte motion and affidavit that the judgment debtor has failed to make 2 or more payments required by an installment payment order under this section, the court shall order the Department of Labor to provide the judgment creditor with the name and address of the current or most recent employer of the judgment debtor, if any, together with the date the employer last reported wage information concerning the judgment debtor. The affidavit must specify the manner of application of all payments made pursuant to the installment payment order. An order directed to the Department of Labor under this section may be served by the judgment creditor by ordinary mail, accompanied by a reasonable fee set by the Department of Labor calculated to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations. The Department of Labor shall respond to the judgment creditor within 20 days after receipt of the court order.’

Amend the bill by inserting after section 3 the following:

‘**Sec. 4. 14 MRSA §3135, 5th ¶**, as enacted by PL 2011, c. 177, §1, is amended to read:

An order directed to the Department of Labor under this section may be served by the judgment creditor by ordinary mail, accompanied by a reasonable fee set by the Department of Labor calculated to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations. The Department of Labor shall respond to the judgment creditor within 20 days after receipt of the court order.’

Amend the bill by inserting after section 6 the following:

‘**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Transfers and reallocates the cost of one Office Associate II position from the Federal Expenditures Fund to Other Special Revenues Funds within the same program to support the increase in the volume of work related to court-ordered disclosures.

FEDERAL EXPENDITURES FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$96,489)	(\$101,189)
FEDERAL EXPENDITURES FUND TOTAL	(\$96,489)	(\$101,189)

Employment Security Services 0245

Initiative: Transfers and reallocates the cost of one Office Associate II position from the Federal Expenditures Fund to Other Special Revenues Funds within the same program to support the increase in the volume of work related to court-ordered disclosures.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$96,489	\$101,189
OTHER SPECIAL REVENUE FUNDS TOTAL	\$96,489	\$101,189

Employment Security Services 0245

Initiative: Allocates funds associated with the All Other costs to support the increase in the volume of work related to court-ordered disclosures.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$15,175	\$15,649
OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,175	\$15,649

LABOR, DEPARTMENT OF	2015-16	2016-17
DEPARTMENT TOTALS		
FEDERAL EXPENDITURES FUND	(\$96,489)	(\$101,189)
OTHER SPECIAL REVENUE FUNDS	\$111,664	\$116,838
DEPARTMENT TOTAL - ALL FUNDS	\$15,175	\$15,649

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment provides that the court shall order the Department of Labor to provide employment information about a judgment debtor after the judgment debtor has failed to make 2 or more payments required by an installment payment order in response to an ex parte motion and affidavit filed by the judgment creditor. The bill proposes to require a showing that the judgment debtor has failed to timely make 2 or more payments. The amendment requires the affidavit to describe how payments made by

the judgment debtor, including those received late, have been applied to support the judgment creditor's motion based on there being at least 2 unpaid installment payments.

This amendment adds language consistent with current law that provides that the judgment creditor may serve the order on the Department of Labor by ordinary mail and that the order must be accompanied by a reasonable fee set by the Department of Labor to cover the costs of processing the request and providing the employment information. The Department of Labor must provide the employment information to the judgment creditor within 20 days after receiving the court order. The fee the Department of Labor may require to respond to a court order for employment information under the existing law is set by the department; the amendment requires that the fee be calculated by the department to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations.

The amendment adds an appropriations and allocations section.