

STATE OF MAINE

—

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

—

H.P. 905 - L.D. 1330

An Act To Enhance Efficiency in the Collection of Child Support Obligations**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 14 MRSA §3128-A, sub-§3, as amended by PL 2011, c. 34, §1, is further amended to read:

3. Duration. The order continues in effect for one year ~~or until the obligor finds work, whichever occurs first.~~

Sec. 2. 19-A MRSA §2001, sub-§5, ¶D, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

D. Gross income may include the difference between the amount a party is earning and that party's earning capacity when the party voluntarily becomes or remains unemployed or underemployed, if sufficient evidence is introduced concerning a party's current earning capacity. In the absence of evidence in the record to the contrary, a party that is personally providing primary care for a child under the age of ~~3 years~~ 24 months is deemed not available for employment. The court shall consider anticipated child care and other work-related expenses in determining whether to impute income, or how much income to impute, to a party providing primary care to a child between the ages of ~~3~~ 24 months and 12 years. A party who is incarcerated in a correctional or penal institution is deemed available only for employment that is available through such institutions.

Sec. 3. 19-A MRSA §2006, sub-§5, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. When the parent who is not the primary care provider is legally obligated to support a child in that party's household other than the child for whom a support order is being sought, an adjustment must be made to that party's parental support obligation. The adjustment is made by using the nonprimary residential care provider's annual gross income to compute a theoretical support obligation under the support guidelines for each child in that household. Neither the child support received by nor the financial contributions of the other parent of each child in the

household are considered in the theoretical support calculation. The obligation is then subtracted from the annual gross income, and the adjusted income is the amount used to calculate support. The adjustment is used in all appropriate cases, ~~except when the result would be a reduction in an award previously established.~~

Sec. 4. 19-A MRSA §2302, sub-§4, as enacted by PL 2001, c. 255, §1, is amended to read:

4. Department notification responsibilities. As soon as practicable after the department knows that an obligor has become an assisted obligor, the department shall send notices to the obligor and obligee notifying them of:

- A. The obligor's status as an assisted obligor;
- B. The existence of the suspension in subsection 2;
- C. The obligee's opportunity to contest the suspension by seeking a modification as set forth in subsection 3; and
- D. The location where forms for modification proceedings can be obtained.

~~In addition, the department shall include with the notices to the parties blank forms for use in initiating modification actions.~~

Sec. 5. 19-A MRSA §2652, sub-§6, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

6. Fees. A notice to the obligor and payor of income that the payor of income shall withhold and send to the department a fee of \$2 per ~~week~~ pay period in addition to the amount withheld for child support.

Sec. 6. 19-A MRSA §2961, sub-§1, ¶B, as enacted by PL 2003, c. 436, §10, is amended to read:

- B. The individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

Sec. 7. 19-A MRSA §3101-E, as enacted by PL 1997, c. 669, §21, is repealed.

Sec. 8. 19-A MRSA §3254, first ¶, as amended by PL 2003, c. 436, §44, is further amended to read:

If a child support order issued by a tribunal of this State is modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of ~~the~~ this State:

Sec. 9. 19-A MRSA §3311, sub-§4-A is enacted to read:

4-A. Foreign central authority. "Foreign central authority" means the entity designated by a foreign country as defined in section 2802, subsection 3-A to perform the functions specified in the Convention.