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JUDICIARY

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 180, L.D. 451, Bill, "An Act To Improve Disclosure Procedures"

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:

1           **'Sec. 7. Appropriations and allocations.** The following appropriations and  
 2 allocations are made.

3           **LABOR, DEPARTMENT OF**

4           **Employment Security Services 0245**

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

8	<b>FEDERAL EXPENDITURES FUND</b>	<b>2015-16</b>	<b>2016-17</b>
9	POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
10	Personal Services	(\$96,489)	(\$101,189)
11			
12	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$96,489)</u>	<u>(\$101,189)</u>

13           **Employment Security Services 0245**

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

17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
18	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
19	Personal Services	\$96,489	\$101,189
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$96,489</u>	<u>\$101,189</u>

22           **Employment Security Services 0245**

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

25	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
26	All Other	\$15,175	\$15,649
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$15,175</u>	<u>\$15,649</u>

29           **LABOR, DEPARTMENT OF**

30           **DEPARTMENT TOTALS**

31		<b>2015-16</b>	<b>2016-17</b>
32	<b>FEDERAL EXPENDITURES FUND</b>	<b>(\$96,489)</b>	<b>(\$101,189)</b>
33	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$111,664</b>	<b>\$116,838</b>
34		<u>                    </u>	<u>                    </u>

1	DEPARTMENT TOTAL - ALL FUNDS	\$15,175	\$15,649
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3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
4 section number to read consecutively.

5 **SUMMARY**

6 This amendment provides that the court shall order the Department of Labor to  
7 provide employment information about a judgment debtor after the judgment debtor has  
8 failed to make 2 or more payments required by an installment payment order in response  
9 to an ex parte motion and affidavit filed by the judgment creditor. The bill proposes to  
10 require a showing that the judgment debtor has failed to timely make 2 or more payments.  
11 The amendment requires the affidavit to describe how payments made by the judgment  
12 debtor, including those received late, have been applied to support the judgment creditor's  
13 motion based on there being at least 2 unpaid installment payments.

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

24 The amendment adds an appropriations and allocations section.