

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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dress of the person.

Any hearing conducted under the authority of this subsection shall be in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

At the hearing, the alleged violator may appear in person or by attorney and answer the allegations of violation and file a statement of the facts, including the methods, practices and procedures, if any, adopted or used by him to comply with this chapter and present such evidence as may be pertinent and relevant to the alleged violation.

C. On the request of the department, the Attorney General may institute a civil action to collect a penalty imposed pursuant to this subsection. Only the Attorney General may compromise, mitigate or remit such civil penalties as are referred to him for collection.

D. All money collected from civil penalties shall be paid to the Treasurer of State for deposit in the General Fund. Money collected from civil penalties shall not be used for normal operating expenses of the department, except as appropriations made from the General Fund in the normal budgetary process.

Effective September 29, 1987.

## CHAPTER 494

S.P. 436 — L.D. 1316

### AN ACT to Establish an Outreach and Support Program for Head-injured Persons.

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

22 MRSA c. 715-A is enacted to read:

#### CHAPTER 715-A

#### ASSISTANCE FOR SURVIVORS OF HEAD INJURY

##### §3086. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Head injury. "Head injury" means a traumatic injury to the head or neck which results in a known or suspected loss of consciousness of any duration.

##### §3087. Registry; duty to report

The Bureau of Rehabilitation shall establish, maintain and operate a statewide registry of persons who sustain head injuries to assist in promoting the general health

and welfare of the State's citizens, including, but not limited to, the following specific purposes:

1. Assessment needs, planning and coordination. To assess the needs of persons who sustain head injuries and to facilitate rehabilitation planning and coordination efforts;

2. Education and information. To provide educational material to the medical community including, but not limited to, emergency room physicians, psychiatrists, neurologists, neurosurgeons, neuropsychologists and other interested persons relating to diagnosis, evaluation and treatment of the sequelae of head injuries; and

3. Network. To provide a means for persons who have sustained head injuries or their family members or friends to contact each other or to contact local or statewide support groups for survivors of head injuries.

Hospitals, physicians and neuropsychologists are encouraged to report to the bureau all persons whom they diagnose as having sustained head injuries. They are encouraged to submit a report within 7 days of the diagnosis which shall contain, but shall not be limited to, the following: The name, if released; age; and residence of the person; and the date and cause of the injury. No person's name may be released without that person's consent or the consent of the person's guardian or other person having legal responsibility for the person. A hospital, physician or neuropsychologist who submits a report under this section is not liable for any civil damages as a result of that act.

##### §3088. Comprehensive rehabilitation service system

The department shall, within the limits of its available resources, develop a comprehensive rehabilitation service system specifically designed to train, educate and physically rehabilitate the head-injured individual. The service programs shall include, but need not be limited to, physical therapy, cognitive retraining, behavior modification, social skills, counseling, vocational rehabilitation and independent living. The department may increase the availability of adequate post-hospital residential facilities designed to meet the unique needs of persons who have sustained a head injury.

Effective September 29, 1987.

## CHAPTER 495

H.P. 1366 — L.D. 1872

### AN ACT to Extend the Time for the Transfer of Authority to Adjudicate Traffic Infractions to the Secretary of State.

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

29 MRSA §§2201 and 2202, as enacted by PL 1985, c. 800, §1, are amended to read:

§2201. Transfer of authority to adjudicate traffic infractions

The authority to adjudicate the commission of traffic infractions, as defined by section 1, subsection 17-C, is transferred from the District Court to the Secretary of State effective January 1, ~~1988~~ 1990.

§2202. Administrative adjudication of traffic infractions

Effective January 1, ~~1988~~ 1990, all traffic infractions, as defined by section 1, subsection 17-C, shall be heard and determined administratively by the Secretary of State.

~~The Secretary of State, with the advice of the Administrative Office of the Court, shall develop and submit to the First Regular Session of the 113th Legislature legislation detailing the implementation of the transfer of authority as provided in section 2201.~~

Effective September 29, 1987.

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## CHAPTER 496

H.P. 893 — L.D. 1194

### AN ACT Relating to Adult Education.

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

Sec. 1. 20-A MRSA § 8606, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 2. 20-A MRSA §8606-A is enacted to read:

§8606-A. Reimbursement procedures

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult education program costs" includes expenditures for salaries and supplies as identified in section 8607.

B. "Foundation year" means the 2nd school year prior to the year of allocation of funds.

C. "Maximum allowable expenditures," for state subsidy purposes, means an amount not to exceed the sum of funds raised through taxation and expended in accordance with section 8607 in the foundation year, plus the amount of subsidy paid by the State during the foundation year.

2. Commissioner certification. Prior to December

15th of each year, the commissioner shall prepare and certify to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in adult education for payment in the next fiscal year.

A. The requested funding level shall be for the authorized reimbursement rates established in section 8607 and may not exceed the maximum allowable expenditures in the foundation year.

B. A school administrative unit shall provide the commissioner with information which the commissioner shall request to carry out the purpose of this chapter according to time schedules which the commissioner shall establish. The commissioner may withhold subsidy payment or a portion of the subsidy payment from a school administrative unit when information is not filed in specified format and content and within the specified time schedule.

C. The recommendation in this certificate shall include local program cost adjustment to the equivalent of the year prior to the year of allocation.

3. State reimbursement. State reimbursement for expenditures on adult education programs shall be based on each administrative unit's actual adult education program costs in the foundation year.

A. The reimbursement shall be based on the unit's expenditures for the foundation year in accordance with the maximum allowable expenditures and the cost adjustment as in subsection 2.

B. State reimbursement will be paid to each eligible school administrative unit during the 2nd quarter of the State's fiscal year.

4. Action by the Legislature. The Legislature shall appropriate the necessary funds to meet the state obligation as defined in subsections 1 and 2.

5. Rule-making authority. The commissioner shall have the authority to promulgate rules to administer this section. Upon the effective date of this provision, the commissioner shall begin to promulgate rules which ensure that the maximum allowable expenditures for the initial foundation year accurately reflect the total costs of adult education for that year.

6. State administration. The commissioner shall add to his budget request an amount sufficient to provide for the administration of this section.

Sec. 3. 20-A MRSA §8607, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §8607-A is enacted to read:

§8607-A. Reimbursement rates