

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
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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.

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Sec. 1. 20-A MRSA § 8606, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.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

Reimbursement rates shall be as follows.

1. Administrative costs. School administrative units shall be reimbursed 70% of the administrative costs for evening and day school classes and educational activities for adults in the year following the expenditure. Administrative costs shall include administrative, supervisory and clerical salaries, the costs of maintaining and operating citizens' advisory committees, administrative fringe benefits as required for salaried positions and administrative travel to state meetings related to the support of the administrative function.

2. Adult vocational education courses. Adult vocational education courses shall be reimbursed at the rate of 75% of the cost of instructional salaries and fringe benefits required for salaried costs and 50% of the cost of consumable supplies and textbooks.

3. Handicapped adult courses. Handicapped adult courses shall be reimbursed at the rate of 75% of the cost of instructional salaries and fringe benefits required for salaried costs and 50% of the cost of consumable supplies and textbooks.

4. High school completion courses. High school completion courses shall be reimbursed at the rate of 75% of the cost of instructional salaries and fringe benefits required for salaried costs and 50% of the cost of consumable supplies and textbooks.

5. Basic literacy courses. Basic literacy courses shall be reimbursed at the rate of 75% of the cost of instructional salaries and fringe benefits required for salaried costs and 50% of the cost of consumable supplies and textbooks.

6. General adult courses. Courses provided for the general public in vocational, leisure and life skill programs shall be reimbursed at the rate of 50% of the cost of instructional salaries and fringe benefits required for salaried costs.

7. Other administrative costs. Other administrative costs, including program promotion and publicity, mailing and postage and telephone expenses related to program development, promotion and implementation, shall be reimbursed at the rate of 50% of these costs.

Sec. 5. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF</u>		
Adult Education		
Positions	(-1.5)	(-1.5)
Personal Services	(\$41,375)	(\$57,757)
All Other	41,375	57,757
Total	\$ 0	\$ 0

Administration — Vocational Education		
Positions	(-1.5)	(-1.5)
Personal Services	(\$32,635)	(\$44,970)
All Other	32,635	44,970
Total	\$ 0	\$ 0

Adjusts these allocations to account for the transfer of these positions to the General Fund.

Effective September 29, 1987.

CHAPTER 497

S.P. 512 — L.D. 1536

AN ACT Providing for Administrative Changes in Maine Tax Laws.

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

Sec. 1. 4 MRSA §807-A, 2nd and 4th ¶¶, as enacted by PL 1985, c. 598, §2, is amended to read:

Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Taxation may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes for which warrants have been issued pursuant to ~~Title 26~~ Title 36, and may represent the State Tax Assessor in arraignment proceedings in District Court in cases in which a criminal complaint has been filed alleging violation of Title 36, section 2113, 3234 or 5332.

This section is repealed on April 1, ~~1988~~ 1989.

Sec. 2. 36 MRSA §176, sub-§3, ¶A, as enacted by PL 1985, c. 691, §5, is amended to read:

A. When the State Tax Assessor determines that any taxpayer is delinquent in the payment of a tax, he may cause a demand letter to be served upon the taxpayer in the manner specified in section 111, subsection 2. The demand letter shall comply in all respects with the provisions of section 171 and shall also state that no further administrative or judicial review is available as to the delinquent amount pursuant to section 151 and, that if payment of that amount is not received within 10 days of the date of the demand, the State Tax Assessor is empowered by law to levy upon the property of the taxpayer, including his salary or wages, in accordance with this chapter. Notwithstanding the provisions of section 171, assessments which became final before 1987 can be demanded as otherwise provided in this Part before the end of 1988 and a levy enforced as otherwise provided by this section.

Sec. 3. 36 MRSA §176, sub-§7, as enacted by PL 1985, c. 691, §5, is amended to read: