



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1772

H.P. 1304

House of Representatives, January 11, 2012

An Act To Enforce Prompt Payment to Career and Technical Education Regions

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative GIFFORD of Lincoln.
Cosponsored by Representative: TURNER of Burlington.

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

2 **Sec. 1. 20-A MRSA §8463-A** is enacted to read:

3 **§8463-A. Enforcement of payment of assessment**

4 **1. School warrant; monthly installment.** Following the assessment of each unit
5 pursuant to section 8463, the school officials of each unit in the region shall place on the
6 school warrant for payment the first of each month an installment equal to 1/12 of the
7 unit's share of the region's budget.

8 **2. Notification of failure to pay.** If a unit fails to pay the monthly installment or
9 any portion of the installment set forth in the school warrant in accordance with
10 subsection 1, in order to initiate collection procedures pursuant to subsection 4, the career
11 and technical education director of the region shall notify the superintendent of the unit of
12 the unit's failure to pay.

13 **3. Interest.** Interest accrues on each installment under subsection 1 that is not paid
14 at the rate established under Title 36, section 186 beginning on the 60th day after the date
15 the installment is due under subsection 1.

16 **4. Judicial enforcement.** If payment of an installment under subsection 1 to a
17 region is not made within 60 days after the date the installment is due, the career and
18 technical education director of the region may initiate an action in Superior Court to
19 compel payment of the delinquent installment. The court shall determine the amount
20 owed by the unit to the region and shall order the superintendent of the unit to pay all
21 delinquent installments, accrued interest and any court costs and reasonable attorney's
22 fees incurred by the region. To ensure prompt payment of the delinquent installments,
23 the court may require that amounts due to the unit from the State or a member
24 municipality be paid to the region until the amount determined by the court is satisfied.
25 The court shall promptly notify the disbursing agency or municipality of the
26 determination and direct the agency or municipality to make the required change in payee
27 and the amounts to be paid. If additional funds are needed to satisfy the amount
28 determined by the court to be paid to the region, the court may order the attachment or
29 trustee process and sale of real or personal property owned by the unit or the attachment
30 of the unit's bank accounts and may pay the amount owed the region from the proceeds
31 and return any excess to the unit.

32 **SUMMARY**

33 The purpose of this bill is to enforce prompt payment from school administrative
34 units to career and technical education regions. This bill establishes a process, similar to
35 the process established in statute for school administrative unit assessments and regional
36 school unit assessments, that authorizes the imposition of interest on unpaid installments
37 of the amounts owed by school administrative units for their shares of the applicable
38 career and technical education region assessment.