

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Sec. 1. 5 MRSA § 1124, sub-§ 4, as last amended by PL 1975, c. 622, § 55, is further amended by adding at the end the following new paragraph:

There shall be an increase of 6% applied to payments made under subsection 1, paragraph B, effective July 1, 1976 to be paid from funds of the Maine State Retirement System; provided, that notwithstanding other provisions of this chapter, the next general salary increase after July 1, 1976 shall cause a percentage increase of these payments equal to the percentage of general salary increase less the 6% adjustment granted under this paragraph.

Sec. 2. 5 MRSA § 1128, as last amended by PL 1975, c. 622, § 62, is further amended by adding at the end the following new paragraph:

There shall be an adjustment of 6% made to retirement allowances for all retired state employees, retired teachers or beneficiaries of either, effective July 1, 1976 to be paid from funds of the Maine State Retirement System; provided, that notwithstanding other provisions of this chapter, the next general salary increase after July 1, 1976 shall cause a percentage increase of retirement allowances equal to the percentage of general salary increase less the 6% adjustment granted under this paragraph.

Sec. 3. Application. The limitations of P & SL 1973, chapter 224, section 3, shall apply to the adjustments made under this Act.

Sec. 4. Supplemental security income; mandatory and optional payments. It is the intent of the Legislature that any increases in the Federal Supplemental Security Income benefit levels, effective the same month as the federal increase takes effect, shall be passed along in the same total dollar amount of any such increase to each beneficiary in the optional program and to each beneficiary in the mandatory program who has not reached the state ceiling.

The Department of Human Services shall immediately take action necessary to raise, effective July 1st, the state ceiling for an individual and for a couple in the same total dollar amount as the federal SSI increase. Such pass-along of a federal benefit increase shall not be made to individuals in foster homes or boarding homes. In the event that funds are available and without limiting the pass-alongs outlined herein, the department may, in its discretion, provide for increased payment rates to foster homes and boarding homes.

Any unexpended balance of this account shall not be transferred to another account and shall not lapse, but shall be carried forward in the same account from year to year to be expended for the same purpose.

Effective September 13, 1976

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## CHAPTER 779

### AN ACT Relating to Definition of Retail Sale under Sales and Use Tax Laws.

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

36 MRSA § 1752, sub-§ 11, 5th sentence, as last amended by PL 1975, c. 359 and c. 450, is further amended to read:

“Retail sale” and “sale at retail” do not include the sale of tangible personal property which becomes an ingredient or component part of, or which is consumed or destroyed or loses its identity in the manufacture of, tangible personal property for later sale or lease, other than lease for use in this State, but shall include fuel and electricity but shall not include electricity separately metered and consumed in any electrolytic process for the manufacture of tangible personal property for later sale, nor any fuel oil, the by-products from the burning of which become an ingredient or component part of tangible personal property for later sale.

Effective September 13, 1976

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## CHAPTER 780

**AN ACT to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law.**

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

Sec. 1. 5 MRSA cc. 305 and 307, as amended, are repealed and the following enacted in place thereof:

### CHAPTER 305

#### HEARINGS

##### § 2401. Administrative Court

The Administrative Court, as heretofore established, shall be under the supervision of the Administrative Court Judge. In the event of his disability for any cause, an Associate Administrative Court Judge shall perform any and all of his duties. The Administrative Court shall be a court of record. The Administrative Court Judge shall establish a seal. He shall be responsible for the efficient operation of the Administrative Court and for the proper conduct of business therein.

1. Appointment of the Administrative Court Judge and Associate Administrative Court Judges. The Administrative Court Judge, as heretofore appointed, and Associate Administrative Court Judge shall be appointed by the Governor, with the advice and consent of the Council. Each shall hold office for a term of 7 years and until his successor has been appointed and qualified.

2. Qualifications of Administrative Court Judge and Associate Administrative Court Judges. The Administrative Court Judge and the Associate Administrative Court Judges shall be members of the bar of this State. Each shall devote full time to his judicial duties, shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law.