

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

1977

An excise tax is levied and imposed at the rate of 9¢ per gallon upon internal combustion engine fuel sold or used within this State, including such sales when made to the State or any political subdivision thereof, for any purpose whatsoever, excepting such internal combustion engine fuel sold or used in such form and under such circumstances as shall preclude the collection of this tax by reason of the laws of the United States, or sold wholly for exportation from the State, or brought into the State in the ordinary standardized equipment fuel tank attached to and forming a part of a motor vehicle and used in the operation of such vehicle within the State, except that the rate shall be 1¢ per gallon upon internal combustion engine fuel as defined in section 2902 bought or used by any person, association of persons, firm or corporation for the purpose of propelling jet or turbojet engine aircraft, **not for international flights**, including such sales when made to the State or any political subdivision thereof, **and except that the rate shall be 2¢ per gallon upon internal combustion engine fuel as defined in section 2902 bought or used by any person, association of persons, firm or corporation for the purpose of propelling jet or turbojet engine aircraft for international flights** excepting such fuel sold or used under such circumstances as shall preclude the collection of this tax by reason of the laws of the United States, or sold wholly for exportation from the State, or brought into the State in the fuel tanks of an aircraft.

Effective October 24, 1977

CHAPTER 573

AN ACT to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index.

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

Sec. 1. 5 MRSA § 1001, sub-§ 6-A is enacted to read:

6-A. Consumer Price Index. "Consumer Price Index" shall mean the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the Bureau of Labor Statistics, United State Department of Labor; or, if the index is revised or superseded, the Consumer Price Index shall be the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar for consumers.

Sec. 2. 5 MRSA § 1124, sub-§ 4, 1st ¶, as enacted by PL 1975, c. 622, § 55, is repealed and the following enacted in its place:

At any time that a retirement allowance adjustment is made for state retirees, the same percentage increase shall be applied to the payments made under subsection 1, paragraph B. All adjustments shall become effective on the same day as such retirees' allowance adjustments. Participating local districts may provide such adjustments in the survivor benefits provisions of subsection 1, paragraph B, by application to the board of trustees and shall supply a certified copy of its action with a statement of agreement of payment of costs.

Sec. 3. 5 MRSA § 1128, as last amended by PL 1975, c. 778, § 2, is repealed and the following enacted in its place:

§ 1128. Cost-of-living plan for retired persons

1. Adjustments. Adjustments in the retirement allowances being paid to retired state employees, teachers or beneficiaries of either shall be made as follows.

A. Any percentage change in the Consumer Price Index from July 1st through June 30th shall be reflected in an equal percentage increase or decrease in the annual retirement allowance beginning in September, except that in the year 1977, such increase or decrease shall be in November. The board of trustees shall automatically make such adjustments in the retirement allowances up to a maximum annual increase or decrease of 4%. The cost of such adjustments shall be determined by the Board of Trustees of the Maine State Retirement System and shall be included in their budget requests, if necessary.

B. Whenever the annual percentage change from July 1st to June 30th in the Consumer Price Index exceeds 4%, the board of trustees shall make such adjustments in the retirement allowances as necessary to reflect an annual increase or decrease of 4% and shall report that adjustment and the actual increase or decrease in the Consumer Price Index to the Legislature during the month of February of the following year.

C. Cost-of-living adjustments provided by this section shall be applied to retirement allowances of all retirees who have been retired for at least 6 months prior to the date that the adjustment becomes payable. Beneficiaries of deceased retirees shall be eligible for the cost-of-living adjustment at the same time the deceased retiree would have become eligible.

D. Notwithstanding any other provision of this section, the amount of annual retirement allowance otherwise payable under this chapter shall not be less than the retired member received on the effective date of his retirement or on July 1, 1977, whichever is greater.

2. Participating local districts. Participating local districts may provide for adjustments in retirement allowances being paid to their former employees or beneficiaries by application to the board of trustees supplying therein the necessary information. Upon acceptance of such a plan, the district shall supply a certified copy of its action and a statement of agreement of payment of costs.

Sec. 4. Applicability. This Act shall apply to all participating local districts which have elected the cost-of-living increase provisions of Title 5, sections 1124 and 1128.

Sec. 5. Effective date. The first allowance adjustment shall be made in November, 1977, based on the period from July 1, 1976, to June 30, 1977. Successive payments shall be made in September of each year.