

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
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PUBLIC LAWS

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4. Human services assistance; priorities. Liaison appointed by the Departments of Human Services and Mental Health and Mental Retardation shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human services' programs are insufficient for full implementation of the human services' portion of an approved ~~annual~~ biennial regional operations plan, priorities established by the Departments of Human Services and Mental Health and Mental Retardation shall determine the priority clients that shall be initially served by human services' funds. Each department and its agents shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

The Department of Human Services and the Department of Mental Health and Mental Retardation shall assure that any new service to be provided be adequately funded to cover the costs of the transportation component of the program.

Sec. 4. 23 MRSA §4209, sub-§7, as amended by PL 1983, c. 812, §144, is repealed.

Effective September 29, 1987.

CHAPTER 429

H.P. 1063 — L.D. 1446

AN ACT to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster.

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

37-B MRSA §742, sub-§1, ¶A, as enacted by PL 1983, c. 594, §33, is amended to read:

A. Whenever a disaster or civil emergency exists or appears imminent, the Governor shall, by proclamation, declare a state of emergency in the State or any section of the State. If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of the Governor were vacant may, by proclamation, declare the fact that a civil emergency exists or appears sufficiently imminent to activate emergency preparedness plans in any or all areas of the State. A copy of the proclamation shall be filed with the Secretary of State.

Effective September 29, 1987.

CHAPTER 430

H.P. 896 — L.D. 1197

AN ACT to Amend the Inflation Incrementing Provision in the Tax Laws.

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

Sec. 1. 36 MRSA §5402, as amended by PL 1983, c. 3, §5, is further amended to read:

§5402. Definitions

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

1. Consumer Price Index. "Consumer Price Index" means the average over a 12-month period of the National Consumer Price Index, not seasonally adjusted, published monthly by the Bureau of Labor Statistics, United States Department of Labor designated as the "National Consumer Price Index for All Urban Consumers- United States City Average."

1-A. Base year index. "Base year index" means the Consumer Price Index for the period July 1, 1985, through June 30, 1986.

2. Percentage adjustment factor. "Percentage adjustment factor" means 1/2 of the percentage increase change in the Consumer Price Index for the 12-month period ending June 30th of the calendar year in which the current taxable year begins over the Consumer Price Index for the 12-month period ending June 30th of the immediately preceding year, base year index expressed as a decimal rounded to the nearest one-thousandth.

3. Inflation factor. "Inflation factor" means the percentage adjustment factor plus 1. The inflation factor for any taxable year shall not exceed ~~1.070~~ a 7% change from the prior year. In any year when the change exceeds 7%, an inflation factor so limited shall be utilized.

Sec. 2. 36 MRSA §5403, as amended by PL 1983, c. 3, §6, is further amended to read:

§5403. Annual adjustments for inflation

On or about September ~~15~~ 15th of each taxable year, the State Tax Assessor shall multiply the inflation factor for that taxable year by the dollar amounts of both the standard deduction and the personal exemption as ~~adjusted under this chapter in the immediately preceding taxable year.~~ adjusted under this chapter in the immediately preceding taxable year. The State Tax Assessor shall also multiply the inflation factor by certain dollar bracket amounts in the tax rate schedule for each filing status, as follows:

1. Single individuals and married persons filing separate returns. The inflation factor shall be multiplied by the dollar bracket amounts, ~~as adjusted under this chapter in the immediately preceding taxable year,~~ on the tax rate schedule for single individuals and married

persons filing separate returns, up to and including the dollar bracket amount for taxable income not over \$15,000, as adjusted. In addition, the inflation factor shall be multiplied by the dollar bracket amount for taxable income of \$15,000, as adjusted.

2. Heads of household. The inflation factor shall be multiplied by the dollar bracket amounts, ~~as adjusted under this chapter in the immediately preceding taxable year,~~ on the tax rate schedule for unmarried or legally separated taxpayers who qualify as heads of household, up to and including the dollar bracket amount for taxable income not over \$22,500, as adjusted. In addition, the inflation factor shall be multiplied by the dollar bracket amount for taxable income of \$22,500, as adjusted.

3. Married taxpayers and others filing joint returns. The inflation factor shall be multiplied by the dollar bracket amounts, ~~as adjusted under this chapter in the immediately preceding taxable year,~~ on the tax rate schedule for married taxpayers and widows and widowers filing joint federal returns, up to and including the dollar bracket amount for taxable income over \$30,000, as adjusted. In addition, the inflation factor shall be multiplied by the dollar bracket amount for taxable income of \$30,000, as adjusted.

The dollar amounts of the standard deduction, the personal exemption and the dollar bracket amounts listed above, adjusted by application of the inflation factor and rounded to the nearest \$100, shall be effective for the then current taxable year and shall be incorporated into the income tax forms and instructions of the State Tax Assessor for that taxable year.

~~If the inflation factor for any taxable year is 1.000 or less, no adjustment shall be made for that taxable year and the dollar amounts of the standard deduction, personal exemption and the dollar bracket amounts of the tax rate schedules listed above shall remain at the prior taxable year's level.~~

Sec. 3. **Effective date.** This Act shall be effective for tax years beginning on or after January 1, 1987.

Effective September 29, 1987.

CHAPTER 431

H.P. 1192 — L.D. 1624

AN ACT to Clarify the Authority for Recruitment and Retention Stipends.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, section 634, which included an authority for the Department of Personnel to identify the need for recruitment and reten-

tion stipends in addition to regular salary until June 30, 1987, has been deleted from the Civil Service Law now in effect; and

Whereas, Title 5, section 7065, which is the replacement legislation for Title 5, section 634, omits the authority for recruitment and retention stipends; and

Whereas, many departments have shown a critical need for stipends and progress has already been made in this respect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §7065, sub-§2, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

2. Salary limits. No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan except as provided by subsections 2-A and 2-B.

Sec. 2. 5 MRSA §7065, sub-§§2-A and 2-B are enacted to read:

2-A. Recruitment and retention adjustments. Subject to Title 26, section 979-D, subsection 1, paragraph E, the director may approve payment of recruitment and retention adjustments for occupations in State Government when the payment of a labor market adjustment is required to recruit and retain an adequate work force. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions:

A. High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series;

B. The relevant occupational classification or job series has a clear, geographically definable labor market within which the State must compete;

C. All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation; and

D. Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.