

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
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PUBLIC LAWS

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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.

2-B. Limitations on recruitment and retention adjustments. The payment of recruitment and retention adjustments authorized under this subsection shall be subject to the following provisions.

A. The labor market adjustment shall be reviewed no less frequently than once every 2 years and shall be adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market.

B. If the subsequent review provided in paragraph A results in the adjustment being decreased or discontinued, no employee receiving the recruitment and retention adjustment may be subject to a reduction in pay.

Sec. 3. Sunset provision. This Act is repealed on July 1, 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 25, 1987.

CHAPTER 432

H.P. 323 — L.D. 422

AN ACT to Streamline the Delivery of Residential Treatment Services to Children in Need.

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

Whereas, the current contract period for residential treatment centers expires June 30, 1987; and

Whereas, this legislation provides new contract procedures necessary to implement those contracts; 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. 22 MRSA §8152, as enacted by PL 1985, c. 274, §2, is repealed and the following enacted in its place:

§8152. Responsibilities

The responsibilities of the Children's Residential Treatment Committee shall be as follows.

1. Planning. The committee, in consultation with the

Residential Treatment Centers Advisory Group, shall develop overall state policies for placement of children in need of treatment in residential treatment centers.

2. Implementation. The committee shall develop a plan to implement those policies. The plan shall include a determination of the current and projected need for placement of children in residential treatment centers. The plan shall also determine the number of children to be served in residential treatment centers.

3. Contract procedures. The committee shall develop, in consultation with the Residential Treatment Centers Advisory Group, contract procedures for the provision of these services by community-based provider agencies consistent with the following requirements.

A. Residential treatment centers desiring to provide services to children in need of placement shall submit the necessary budget data to the Children's Residential Treatment Committee on or before May 15th of each year.

B. The Children's Residential Treatment Committee shall prepare for the State to offer the residential treatment centers a contract, by July 1st of each year, which must state:

(1) The reason for the number of children being contracted for;

(2) The rate established for payment for those services; and

(3) The basis for that rate.

C. An interim rate procedure shall be established consistent with subsection 4.

4. Interim rate. If a residential treatment center has substantially complied with subsection 3, paragraph A, and if the State has not offered, in good faith, a contract to a residential treatment center by July 1st of each year, services which are currently being provided by that residential treatment center shall be paid at a rate equal to the rate established immediately prior to July 1st of each year, increased or decreased by the most current wage and price index established by Data Resources, Inc. This interim rate shall remain in effect for a residential treatment center until the State offers that residential treatment center a contract. The rate shall then return to the level established immediately prior to July 1st of each year until a negotiated contract has been signed by both parties.

5. Rules. The committee shall develop and promulgate rules to carry out the purpose of this section by January 1, 1988.

Sec. 2. 22 MRSA §8153, as enacted by PL 1985, c. 274, §2, is repealed.