

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**PART P**

**Sec. P-1. Mental health facilities.** In making the recommendations required by Public Law 1995, chapter 99, the Productivity Realization Task Force may not include among its recommendations the closure of any mental health facility.

**PART Q**

**Sec. Q-1. Governor Baxter School for the Deaf.** In making the recommendations required by Public Law 1995, chapter 99, the Productivity Realization Task Force or the Governor may not include among recommendations any additional budget reductions or the elimination of any program in the Governor Baxter School for the Deaf until March 1, 1996.

**PART R**

**Sec. R-1. 5 MRSA §17858-B** is enacted to read:

**§17858-B. Retirement; creditable service**

**1. Retirement incentive.** Any state employee, as defined in section 17001, subsection 40, except employees of the Maine Technical College System, who, by April 1, 1996, has reached normal retirement age and has 10 or more years of creditable service and who gives notice to the Maine State Retirement System no later than February 1, 1996 and who retires effective no later than April 1, 1996 is entitled to receive, at the employee's option, either 3 months' base salary paid as a lump sum to be paid on July 1, 1996 or the equivalent amount in monthly cash payments toward retiree dependent medical insurance equal to the current percentage contribution rate for dependent coverage for state employees.

Payment of the retirement incentive under this subsection must be made by the employing agencies and may not be made from the funds of the Maine State Retirement System.

Payment of the retirement incentive under this subsection may not be used in the calculation of the employee's average final compensation or creditable service.

**2. Vacant position.** The department or agency from which any state employee retires under subsection 1 either may not fill the resulting vacant position or, if that position is filled, shall maintain a vacant position elsewhere within the department or agency until the State's costs associated with the retirement have been recovered. Alternatively, the Governor may recover these costs by maintaining an offsetting vacancy in another department or agency or by utilizing other salary savings.

**3. Payment of fixed costs.** With respect to each employee who retires under subsection 1, the State shall pay the amount of the Maine State Retirement System's unfunded liability payment, the Maine State Retirement System's administrative cost payment and the retiree health care payment associated with the employee.

**4. Policies and procedures.** The Executive Director of the Maine State Retirement System shall establish policies and procedures for the implementation of this section, including notice and payment requirements, that ensure that no unfunded liability results to the Maine State Retirement System.

**Sec. R-2. Application of savings.** Any savings realized as a result of this Part must be credited towards the \$45,346,780 in savings that the Productivity Realization Task Force is directed to identify pursuant to Public Law 1995, chapter 99, Part D.

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

Effective November 30, 1995.

**CHAPTER 503****H.P. 1151 - L.D. 1590****An Act to Correct an Error in the Hospital Assessment Program**

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

**Whereas,** unless this legislation is enacted as an emergency measure, the State will be unable to determine gross patient service revenue limits at the levels budgeted for fiscal year 1995-96, which, in turn, results in the inability to fully collect the hospital assessment tax pursuant to the Maine Revised Statutes, Title 36, section 2801-A during that time period; and

**Whereas,** because of this inability, the State stands to lose a substantial amount of revenue per month to the State Medicaid Special Revenue account; 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.** PL 1995, c. 368, Pt. W, §10, sub-§3 is repealed.

**Sec. 2.** PL 1995, c. 368, Pt. RR, §5 is repealed.

**Sec. 3. Joint authority to modify rules concerning gross patient service revenue limits.** The Department of Human Services and the Maine Health Care Finance Commission have joint authority to modify rules concerning gross patient service revenue limits of the Maine Health Care Finance Commission in effect on June 30, 1995, as modified by all additional or amended rules adopted by the Maine Health Care Finance Commission. After January 1, 1996, the Department of Human Services has sole authority to modify rules of the Maine Health Care Finance Commission in effect on December 31, 1995 concerning gross patient service revenue limits. The Department of Human Services may draft emergency rules that apply retroactively to July 1, 1995 concerning all aspects of gross patient service revenue limits for assessment purposes.

**4. Retroactivity.** This Act applies retroactively to July 1, 1995.

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

Effective December 1, 1995.

## CHAPTER 504

H.P. 1148 - L.D. 1587

### An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97

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

#### PART A

**Sec. A-1. Allocation.** The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1996 and June 30, 1997, to the departments listed, to carry out the purposes of this Part.

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

##### Salary Plan

Personal Services	(1995-96)	(1996-97)
	(\$3,376,543)	

Provides for the deallocation of funds from the excess Personal Services that were originally required by Public Law 1993, chapter 414, Part D, section 6.

#### DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

	(1995-96)	(1996-97)
	(3,376,543)	

#### TRANSPORTATION, DEPARTMENT OF

##### Administration and Planning

Positions - Legislative Count	(-7.0)	(-7.0)
Positions - Other Count	(-1.5)	(-1.5)
Personal Services	(269,158)	(275,944)

Provides for the deallocation of funds from the elimination of the following: Three seasonal Highway Laborer positions; one Engineering Technician II position; one Management Analyst I position; one Planning and Research Associate I position; one Public Relations Specialist position; one Transportation Planning Analyst position; one Transportation Planning Specialist position; and one Director of Special Projects position. All of the above positions are split-funded, 84% Highway Fund and 16% Federal Expenditure Fund.

##### Administration and Planning

Personal Services	(1995-96)	(1996-97)
	(75,057)	(78,059)

Provides for the deallocation of funds from the determination that payments to the Workers'