

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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AS PASSED BY THE
One Hundred and Sixth Legislature

1973

when such extended or deferred installment or installments, or part thereof, would have been payable in the absence of such extension or deferral, to the date when such installment or installments, or part thereof, are made payable under the agreement of extension or deferral; except that a minimum charge of \$1 for the period of extension or deferral may be made in any case where the extension or deferral charge, when computed at such rate, amounts to less than \$1.

Effective October 3, 1973

CHAPTER 491

AN ACT to Permit Public Employees to Enter into a Deferred Compensation Plan and Authorize the Purchase of Annuity Contracts and Investment Company Shares.

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

R. S., T. 5, c. 67, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 67 to read as follows:

CHAPTER 67

DEFERRED COMPENSATION PLAN

§ 881. Deferred compensation plan

The State or any county, city, town or other political subdivision may, by contract, agree with any employee to defer, in whole or in part, any portion of that employee's compensation and subsequently, contract for, purchase or otherwise procure for the purpose of funding a deferred compensation program for the employee a fixed or variable life insurance or annuity contract from an insurance company licensed to contract business in this State, or shares of an investment company registered under the Investment Company Act of 1940. The employee may choose the type of deferred compensation program preferred.

§ 882. Authorization

The director or the principal officer of each state agency, department, board, commission or institution is authorized to enter into such contractual agreements with employees of that particular state agency, department, board, commission or institution on behalf of the State to defer any portion of that employee's compensation.

§ 883. Administration

Administration of a deferred compensation program within state agencies, departments, boards, commissions or institutions shall be under the direction of the Department of Finance and Administration. Each county, city, town or other political subdivision may designate an officer to administer a deferred compensation program. Payroll deductions shall be made in each instance by the appropriate payroll officer.

§ 884. Advisory council

An Advisory Council on Deferred Compensation Plans, as established in this chapter, shall consist of 7 members, who shall be the Commissioner of Finance and Administration, ex officio, or his designee; the Insurance Commissioner, ex officio, or his designee; the Commissioner of Banks and Banking, ex officio, or his designee and 4 state employees to be appointed by the Governor, who shall be appointed for terms of 3 years, except that of the first appointments one shall be for one year, 2 for 2 years and one for 3 years. All members of the advisory council shall serve without compensation, but any expenses incurred in performance of their duties shall be reimbursed. The council shall meet at least once a year and shall review the operations of the deferred compensation program and advise the Department of Finance and Administration on matters of policy relating to the activities thereunder. The Commissioner of Finance and Administration, or his designee, shall be the chairman of the advisory council.

§ 885. Selection of firms

The advisory council shall select up to 3 firms for participation by state employees as the result of investigation and competitive bidding, as outlined in chapter 155. The council may, at any time after the evaluation and study of new programs, replace any previously selected firm with another firm through the process of competitive bidding for the purpose of new enrollees.

Any county, city, town or other political subdivision wishing to make use of any material relating to evaluation, or competitive bidding compiled by the council, may receive copies on request.

§ 886. Definition

For the purposes of this chapter, "employee" means any person whether appointed, elected or under contract, providing services for the State, county, city, town or other political subdivision, for which compensation is paid.

§ 887. Payment of premiums and purchase of shares

Notwithstanding any other provision of law to the contrary, those persons designated to administer the deferred compensation program are authorized to make payment of premiums for the purchase of fixed or variable life insurance or annuity contracts and to purchase investment company shares under the deferred compensation program. Such payments shall not be construed to be a prohibited use of the general assets of the State, county, city or other political subdivision.

§ 888. Application

Any compensation or portion of compensation reduced by an employee in conjunction with a deferred compensation program shall remain as a general, unpledged asset of the State, county, city, town or other political subdivision until such time as the deferred compensation program covering such employee calls for distribution. Any compensation or portion of compensation reduced shall not be considered in calculating any employee benefits, nor shall it be subject to any withholding imposed on such employee; nor shall it be subject to any income taxation until distribution is actually made to the employee.

§ 889. Liability limited

The financial liability of the State, county, city, town or other political subdivision under a deferred compensation program shall be limited in each instance to the payment of premiums for the purchase of fixed or variable life insurance or annuity contracts and the purchase of investment company shares under the deferred compensation program while the enrollee remains an employee of the State, county, city, town or other political subdivision enrolled in the program, and only to the amount of the compensation or portion of compensation held for payment of said premiums or investment company shares.

Effective October 3, 1973

CHAPTER 492**AN ACT to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons.**

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

Sec. 1. R. S., T. 34, § 2290, amended. The first sentence of section 2290 of Title 34 of the Revised Statutes, as enacted by chapter 10 of the public laws of 1965, is amended to read as follows:

Any person ~~16 years of age or over~~, having no criminal action pending against him, desiring admission to a hospital for the mentally ill, other than a private hospital, for care and treatment of a mental illness, may be admitted, subject, except in case of medical emergency, to the availability of suitable accommodations, as a patient without making formal application therefor, although standard hospital information may be elicited, if, after examination, the head of the hospital deems such person suitable for such admission, care and treatment. Any person 16 years of age or under must have the consent of his parent or guardian and the Commissioner of Mental Health and Corrections.

Sec. 2. R. S., T. 34, § 2291, amended. Section 2291 of Title 34 of the Revised Statutes is amended to read as follows:

§ 2291. Authority to receive voluntary patients

The head of a private hospital may, and the head of a public hospital, subject, except in case of medical emergency, to the availability of suitable accommodations, may admit for observation, diagnosis, care and treatment any individual who is mentally ill or has symptoms of mental illness and who ~~being 16 years of age or over~~ applies therefor, exclusive of those persons with pending criminal action. Any person 16 years of age or under must have the consent of his parent or guardian and the Commissioner of Mental Health and Corrections.

Effective October 3, 1973