

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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1. **Nonstate mental health institution.** The chief administrative officer of a nonstate mental health institution may receive for observation, diagnosis, care and treatment in the institution any person whose admission is applied for under any of the procedures in this subchapter.

A. The institution, any person contracting with the institution and any of its employees when admitting, treating or discharging a patient under the provisions of sections 3863 and 3864 under a contract with the department, for purposes of civil liability, must be deemed to be a governmental entity or an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

B. Patients with a diagnosis of mental illness or psychiatric disorder in nonstate mental health institutions that contract with the department under this subsection are entitled to the same rights and remedies as patients in state mental health institutes as conferred by the constitution, laws, regulations and rules of this State and of the United States.

C. Before contracting with and approving the admission of involuntary patients to a nonstate mental health institution, the department shall require the institution to:

- (1) Comply with all applicable regulations;
- (2) Demonstrate the ability of the institution to comply with judicial decrees as those decrees relate to services already being provided by the institution; and
- (3) Coordinate and integrate care with other community-based services.

D. Beginning July 31, 1990, the capital, licensing, remodeling, training and recruitment costs associated with the start-up of beds designated for involuntary patients under this section must be reimbursed, within existing resources, of the Department of Mental Health and Mental Retardation.

See title page for effective date.

## CHAPTER 907

H.P. 1346 - L.D. 1863

### An Act to Amend the Laws Relating to the Purchase of Military Service Credits by Members of the Maine State Retirement System

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

**Sec. 1. 5 MRSA §17713, sub-§2, ¶A,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. If the member qualifies under section 17760, subsection 2, ~~paragraph D~~, contributions shall be calculated at the percentage rate required of active members during the period of time covered by the service in the armed forces applied to the member's earnable compensation during the first year as an employee after service in the armed forces, under the following terms and conditions:

- (1) If 2 or more percentage rates were in effect during the period of service in the armed forces, the highest percentage rate shall be used;
- (2) The minimum rate shall be 5%; and
- (3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points shall be paid on the unpaid balance beginning January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date payment is completed.

**Sec. 2. 5 MRSA §17713, sub-§2, ¶B,** as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

**Sec. 3. 5 MRSA §17760, sub-§2, ¶E,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

E. A member who served in the armed forces at any time from August 5, 1964, to May 7, 1975 during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection if he begins membership before January 1, 1988.

**Sec. 4. PL 1989, c. 702, Pt. F, §F-8** is enacted to read:

**Sec. F-8. Voluntary programs; vacancies.** Consistent with the voluntary cost savings program entered into between State Government and the various unions representing state employees, positions that become vacant as a result of participation in the voluntary employee incentive programs may not be utilized unless such action results in another vacancy. Any vacancy created by one of the above-mentioned actions may not be utilized without legislative approval, except where the failure to fill a specific vacancy would pose a direct threat to the health or safety of the public. Such approval may be requested in the next so-called new and expanded services budget.

The Department of Administration shall submit a list of all vacancies to be filled pursuant to the provisions of this section to the Joint Standing Committee on Appropriations and Financial Affairs by August 1, 1990.

See title page for effective date.