

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

**1. Inspection.** The department shall inspect the processing of ~~farmstead~~ farm cheese using the same standards used to inspect the processing of other cheeses.

**2. Licensing.** A producer may not sell ~~farmstead~~ farm cheese unless licensed in accordance with this section. The department shall issue a license to a ~~farmstead~~ farm cheese producer ~~in accordance with the same standards used to issue licenses to other cheese producers who uses equipment and standards established in this section and in rules adopted pursuant to this section.~~

**3. Labeling.** ~~The department shall establish rules for the labeling of farmstead cheese. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Except as provided in subsection 6, farm cheese that is offered for sale must bear a label that contains the words "heat-treated, not pasteurized." Except as provided in subsection 6, when farm cheese is offered for consumption at an eating establishment as defined in Title 22, section 2491, subsection 7, the menu must identify items on the menu that contain or are made with farm cheese and must provide notice that farm cheese is not pasteurized using the words "heat-treated, not pasteurized" on the menu.~~

**4. Sale restrictions.** ~~Farmstead cheese may only be sold from the farm where it is produced and through farm stands and farmers' markets, as defined in section 415.~~

**5. Standards, rules.** Milk used for making farm cheese must be heat-treated in a double boiler with a capacity for heat-treating not more than 2 gallons of milk per batch. The double boiler and thermometer used for heat treatment must be approved by the department. The department shall adopt rules to establish a process for licensing and inspecting farm cheese producers. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

**6. Established producers.** For the purposes of this section, "established producer" means a person who on June 30, 1998 held a valid license to produce farm cheese for sale and who heat-treated the milk using a double boiler method prior to making the farm cheese. Notwithstanding subsection 3, farm cheese made by an established producer and offered for sale must bear a label that contains the words "heat-treated." Notwithstanding subsection 3, when farm cheese made by an established producer is offered for consumption at an eating establishment as defined in Title 22, section 2491, subsection 7, the menu must identify items on the menu that contain or are made with farm cheese and must provide notice that farm cheese is heat-treated using the words "heat-treated"

on the menu. A license issued to an established producer under this section may not be transferred to another person. This subsection is repealed June 30, 2004.

See title page for effective date.

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## CHAPTER 419

H.P. 610 - L.D. 850

### An Act to Institute Wild Number Beano

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

**Sec. 1. 17 MRSA §311, sub-§7-B** is enacted to read:

**7-B. Wild number beano.** "Wild number beano" means a beano occasion, game or series of beano games in which a number is picked or denoted as a wild number that may be used to fill any number or letter on a beano card.

**Sec. 2. 17 MRSA §314-C** is enacted to read:

#### **§314-C. Wild number beano**

An organization licensed under section 314 may conduct wild number beano during any beano occasion. The wild number must be announced at the beginning of a wild number beano game or at the beginning of each game conducted as part of a series.

See title page for effective date.

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## CHAPTER 420

S.P. 329 - L.D. 983

### An Act to Amend the Centers for Innovation Program

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

**Sec. 1. 5 MRSA §1581**, as amended by PL 1997, c. 24, Pt. FF, §3, is further amended by inserting at the end a new paragraph to read:

The Centers for Innovation program, established under section 13124, must be a separate appropriation not included under any other department or agency in the General Fund appropriation bill.

**Sec. 2. Funding level.** In implementing section 1 of this Act, the amounts appropriated for the Centers for Innovation program must be at least the

amounts allocated to the program in fiscal year 1998-99 prior to any deduction for overhead costs of the Maine Science and Technology Foundation.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
<b>CENTERS FOR INNOVATION</b>		
<b>Centers for Innovation</b>		
All Other	\$308,000	\$308,000
Appropriates funds to establish the Centers for Innovation program as a separate appropriation. These funds are transferred from the Maine Science and Technology Foundation.		
<b>CENTERS FOR INNOVATION TOTAL</b>		
	\$308,000	\$308,000
<b>MAINE SCIENCE AND TECHNOLOGY FOUNDATION</b>		
<b>Maine Science and Technology Foundation</b>		
All Other	(\$308,000)	(\$308,000)
Deappropriates funds no longer required as a result of establishing the Centers for Innovation program as a separate appropriation.		
<b>MAINE SCIENCE AND TECHNOLOGY FOUNDATION TOTAL</b>		
	(\$308,000)	(\$308,000)
<b>TOTAL APPROPRIATION</b>	\$0	\$0

See title page for effective date.

**CHAPTER 421**

**S.P. 577 - L.D. 1657**

**An Act to Clarify the Laws Relating to Off-track Betting Facilities**

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

**Sec. 1. 8 MRSA §275-D, sub-§1,** as amended by PL 1997, c. 528, §17, is further amended to read:

**1. Off-track betting on simulcast racing.** A person may conduct pari-mutuel wagering at an off-track betting facility that is licensed under this section, if the person is licensed to operate a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, or a Class A restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1 if the hotel, restaurant or restaurant/lounge is licensed as an off track betting facility under this section, or an off-track betting facility as defined in Title 28-A, section 2, subsection 15, paragraph R-2.

**Sec. 2. 8 MRSA §275-O, sub-§1,** as amended by PL 1997, c. 542, §1, is further amended to read:

**1. Eligible licensees.** This section grants reduced payments to licensees of off-track betting facilities that were licensed and open for business before April 1, ~~1997~~ 2000 and that have a market area, as described in section 275-D, subsection 4, with a population of less than 50,000.

**Sec. 3. 28-A MRSA §2, sub-§15, ¶¶R-2 and R-3** are enacted to read:

R-2. "Off-track betting facility" means a facility that meets the requirements of a Class A restaurant or Class A restaurant/lounge and also contains a room or rooms that persons under 18 years of age are not permitted to enter.

R-3. "Off-track betting lounge" means a separate room or rooms, located in an off-track betting facility, that persons under 18 years of age are not permitted to enter.

**Sec. 4. 28-A MRSA §1011-A, sub-§3, ¶A,** as enacted by PL 1993, c. 410, Pt. ZZ, §17, is amended to read:

A. Class A restaurant/lounge; and

**Sec. 5. 28-A MRSA §1011-A, sub-§3, ¶B** is enacted to read:

B. Off-track betting facilities.

**Sec. 6. 28-A MRSA §1051, sub-§2,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**2. Local approval of application for license.** ~~The~~ Except for licenses issued pursuant to section 1063-A, the initial application for the license must first be approved under section 653 by the municipal officers of the municipality in which the applicant's premises are located or, if the premises are located in an unincorporated place, the application must be