

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

lated legislative documents, informally referred to as the "Rail Policy Plan," should fail to be enacted by the First Regular Session of the 112th Legislature and the bond issue fails to be ratified by the voters, the funds allocated in this Act shall lapse to the Highway Fund, and the provisions of this Act shall not become effective.

Effective September 19, 1985.

CHAPTER 443

S.P. 214 - L.D. 572

AN ACT to Amend the Maine Certificate of Need Act to Clarify the Provision to Mutually Extend the Review Period for Certificate of Need Review and to Make the Reconsideration Hearing Optional and Establish a Time Limit for Decisions After a Reconsideration Hearing.

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

Sec. 1. 22 MRSA §307, sub-§3, as enacted by PL 1977, c. 687, §1, is repealed and the following enacted in its place:

3. Reviews. To the extent practicable, a review shall be completed and the department shall make its decision within 90 days after the date of notification under subsection 1. The department shall establish criteria for determining when it is not practi-

cable to complete a review within 90 days. Whenever it is not practicable to complete a review within 90 days, the department may extend the review period up to an additional 60 days.

Any review period may be extended with the written consent of the applicant. The request to extend the review period may be initiated by the applicant or the department. If the request is initiated by the department, it shall not be effective unless consented to by the applicant in writing. If the request is initiated by the applicant, the department shall agree to the requested extension if it determines that the request is for good cause. The department shall acknowledge the extension of the review period in writing.

Sec. 2. 22 MRSA §310, as enacted by PL 1977, c. 687, §1, is amended to read:

§310. Reconsideration

Any person directly affected by a review may, for good cause shown, request in writing a hearing for the purposes of reconsideration of the decision of the department to issue or to deny a certificate of need. The department, if it determines that good cause has been demonstrated, shall hold a hearing to reconsider its decision. To be effective, a request for the hearing shall be received within 30 days of the department's decision. If the Department of Human Services determines that good cause for a hearing has been demonstrated, the hearing shall commence within 30 days of receipt of the request. A decision shall be rendered within 60 days of the commencement of the hearing. The decision may be rendered beyond this time period by mutual consent of the parties. For purposes of this section, a request for a hearing shall be deemed to have shown good cause if it:

1. New information. Presents significant, relevant information not previously considered by the department;
2. Changes in circumstances. Demonstrates that there have been significant changes in factors or circumstances relied upon by the department in reaching its decision;
3. Failure to follow procedures. Demonstrates that the department has materially failed to follow its adopted procedures in reaching its decision; or
4. Other bases. Provides other bases for a hearing that the department has determined constitutes good cause.

Sec. 3. 22 MRSA §311, as enacted by PL 1977, c. 687, §1, is amended by adding at the end a new paragraph to read:

A decision by the department is not final where opportunity for reconsideration under section 310 exists with respect to matters involving new information or changes in circumstances. Where new information or changes in circumstances are not alleged by the applicant or other person aggrieved by the decision, a person aggrieved by a decision of the department may, at its option, seek reconsideration under section 310 or may seek direct judicial review under this section.

Effective September 19, 1985.

CHAPTER 444

H.P. 790 - L.D. 1120

AN ACT to Clarify the Discretionary Authority
of the Harness Racing Commission to
License Pari-mutuel Meets and Assign
Racing Dates.

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

Sec. 1. 8 MRSA §270, sub-§4-A is enacted to read:

4-A. Requested dates. The dates and time of day or night on which it is desired to conduct or hold races or race meets;

Sec. 2. 8 MRSA §271, as amended by PL 1983, c. 196, §§ 1 and 2, is repealed and the following enacted in its place:

§271. Issuance of licenses

1. Licensing. If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of racing dates to the ap-