

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

licensed to conduct a race meet under this chapter shall pay to the Treasurer of State, to be credited to the General Fund of the State, a sum equal to .50% of the total contributions of regular wagers and 2.27% of the total contributions of exotic wagers to all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter. If the total of the regular and exotic wagers exceeds \$37,000,000 for any calendar year, 72% of the revenue credited to the General Fund under this section attributable to this excess shall be returned by the Treasurer of State to commercial meet licensees. As used in this chapter, the term "commercial meet" means any meeting where harness racing is held with an annual total of more than 25 racing days duration with pari-mutuel wagering. This payment shall be divided in the proportion that the contributors of regular and exotic wagers of pari-mutuel pools made or conducted at the commercial meets of each licensee during the calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools made or conducted at the commercial meets of all licensees during that calendar year. Licensees sharing in this distribution shall use 1/2 of the funds so received for the purpose of supplementing purse money. The other 1/2 of this distribution is to be used by the commercial licensees for improving its racing facilities for the benefit of the public, horse owners, horsemen and horsewomen, and to increase the revenue to the State from the increase in pari-mutuel wagering resulting from such improvements. For the purpose of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to improve the facilities utilized by the licensee for conduct of its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility which results in the addition or replacement of a fixed asset. In general, the amounts referred to as improvements include amounts paid which add to the value, improve or substantially prolong the useful life of the race track utilized by the licensee for the conduct of its racing meeting. Amounts paid or incurred for repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section. In addition, 9% of the revenue credited to the General Fund under this section attributable to this excess shall be distributed to the stipend fund provided by Title 7, section 62. Further, 9% of the revenue credited to the General Fund under this section attributable to this excess shall be paid to the commission to be credited to the Sire Stakes Fund, provided in section 281. Each licensee shall calculate on an annual basis the difference between the sum paid by him pursuant to this paragraph, as it then existed, for calendar year 1981 and the sum paid by him pursuant to this paragraph for each succeeding calendar year 1987. One-half of this difference shall be used for the purpose of supplementing purse money.

Sec. 6. 8 MRSA §275, 2nd ¶, as amended by PL 1985, c. 444, §4, is further amended to read:

A sum equal to 1% of the total contributions on regu-

lar wagers and a sum equal to 1% of the total contributions on exotic wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be paid and returned to the licensees for the purpose of supplementing purse money. ~~A sum equal to 1-1/2% of the total contributions on exotic wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be retained by the licensee and shall be added to purse money.~~ This sum shall be divided equally among the licensees in the proportion that the number of racing days of a licensee granted by the commission and actually raced bears to the total number of racing days granted in any one year by the commission and actually raced by licensees. Payments shall be made to said licensees by the end of the calendar year. A sum equal to 1.797% of the total contributions on exotic wagers and .348% of the total contributions on regular wagers on all pari-mutuel pools conducted or made at any race or race meet licensed under this chapter shall be retained by the licensee and added to purse money.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1987-88	1988-89
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>		
State Harness Racing Commission		
Positions	(1)	(1)
Personal Services	\$4,380	\$26,700
All Other	1,000	11,300
Capital Expenditures	800	
Total	<u>\$6,180</u>	<u>\$38,000</u>
Provides funds to establish a new Administrative Coordinator position and general operating expenses to assist in the administration of the standardbred horses program and the Sires Stakes Fund.		

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

Effective April 22, 1988.

CHAPTER 760

S.P. 897 — L.D. 2326

AN ACT to Clarify the Site Location of Development Law.

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

Sec. 1. 38 MRSA §484, sub-§2, as amended by PL 1983, c. 513, §3, is repealed and the following enacted in its place:

2. Traffic movement. The developer has made adequate provision for traffic movement of all types into, out of or within the development area. The board shall consider traffic movement both on-site and off-site. Before issuing a permit, the board shall determine that any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development;

Sec. 2. Report; rules. The board shall adopt rules governing the traffic criteria of the Site Location of Development Law by January 15, 1989. The Commissioner of Environmental Protection shall submit the rules to the joint standing committee of the Legislature having jurisdiction over natural resources for review by January 15, 1989. At the time of submission, the commissioner shall report to the committee on efforts to revise the traffic criteria of the Site Location of Development Law.

Effective August 4, 1988.

CHAPTER 761

S.P. 841 — L.D. 2186

AN ACT Providing for the 1988 Amendments to the Maine Housing Authorities Act.

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

Sec. 1. 30 MRSA §4601-A, sub-§1, ¶L, as repealed and replaced by PL 1983, c. 414, §7, is amended to read:

L. Contract with any financial institution to make mortgage loans on behalf of the state authority. The mortgage loans shall be made pursuant to one or more mortgage loan programs governed by standards established in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The state authority may, without contracting with a financial institution, make mortgage loans only with respect to the following:

- (1) To protect the security or likelihood of repayment of any mortgage loan held by the state authority when such a loan is not made within 10 business days of application through the originating financial institution on terms and conditions comparable to terms and conditions available from the state authority; or
- (2) In one or more areas of the State, to the extent that no financial institution, after both initial and such successive reasonable opportunities as the state authority may provide, has contracted with the state authority to participate in a mortgage loan program.

The state authority may make mortgage loans, construction loans, grants, noninterest-bearing loans,

deferred payment loans, unsecured loans and other similar types of loans to state public bodies or other public instrumentalities and private nonprofit corporations without contracting with a financial institution. Any mortgage loan made pursuant to this paragraph shall not pledge the faith and credit of the State. Any bonds issued by the state authority to finance mortgage loans authorized by this paragraph shall be subject to the limitations of sections 4760 and 4762;

Sec. 2. 30 MRSA §4723, as enacted by PL 1975, c. 522, §2, is amended to read:

§4723. Participation requirements

The state authority shall not participate in the making of construction loans unless a financial institution in the State shall agree to participate in such loan at least to the extent of 15% of the principal amount of the loan. Notwithstanding this paragraph, the state authority may make construction loans to state public bodies or other public instrumentalities and private nonprofit corporations without the participation of a financial institution. Notwithstanding any other provisions of law to the contrary, financial institutions in the State are hereby authorized and empowered to act as required by the provisions of this Article article.

Sec. 3. 30 MRSA §4732, sub-§2, as enacted by PL 1981, c. 702, Pt. W, §1, is repealed and the following enacted in its place:

2. Use of money. Money in the fund may be used as follows.

A. Money in the Housing Opportunities for Maine Fund may be applied to:

- (1) Reduce the rate of interest on or the principal amount of such mortgage loans as the state authority determines;
- (2) Reduce payments by persons of low income for rental of single family or multi-unit residential housing;
- (3) Make mortgage loans and such other types of loans or grants as the state authority determines;
- (4) Fund reserve funds for, pay capitalized interest on, pay costs of issuance of or otherwise secure and facilitate the sale of the state authority's bonds issued in accordance with this subchapter;
- (5) Pay the administrative costs of state public bodies or other public instrumentalities and private, nonprofit corporations directly associated with housing projects; and
- (6) Otherwise make the costs of single family or multi-unit residential housing affordable by persons of low income.