

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision which has not been approved as required by this section shall be penalized in accordance with section 4966. The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin the violations of this section.

All subdivision plats and plans required by this section shall contain the name and address of the person under whose responsibility the subdivision plat or plan was prepared.

Sec. 9. Savings clause. All otherwise valid subdivision permits or approvals for developments which would require review under this Act and which were granted prior to the effective date of this Act and any conditions or requirements of those permits or approvals remain valid and enforceable.

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

Effective September 23, 1988.

CHAPTER 886

H.P. 1990 — L.D. 2692

AN ACT Relating to Horse Racing and Racing Facilities.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, harness racing is one of Maine's most important recreational activities; and

Whereas, harness racing is vital for the continued prosperity of those agricultural societies which conduct pari-mutuel wagering; and

Whereas, the harness racing industry is in jeopardy because of increased costs of maintenance and labor and is in immediate need of relief; and

Whereas, this Act should become effective immediately to provide additional funds for the State Harness Racing Commission to operate efficiently; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §268, as repealed and replaced by PL 1975, c. 309, is amended by adding at the end a new paragraph to read:

The commission may make rules allowing interstate simulcasting at a licensee's race track during any regular meeting.

Sec. 2. 8 MRSA §275, first ¶, as amended by PL 1987, c. 759, §5, is further amended to read:

Beginning January 1, 1983, each person, association or corporation 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~~ their 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 credit-

ed 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 calendar year 1987. One-half of this difference shall be used for the purpose of supplementing purse money. A sum equal to 1.550% of the total contributions on exotic wagers and .185% 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.~~

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

Effective September 23, 1988.

CHAPTER 887

S.P. 1028 — L.D. 2685

AN ACT to Establish the Maine Commission on Mental Health.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Augusta Mental Health Institute has recently lost its license to receive Medicare reimbursement from the Federal Government; and

Whereas, the Joint Select Committee to Study Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute has identified substantial deficits at both of these state facilities; and

Whereas, the Maine State Employees Association and the American Federation of State, County and Municipal Employees have recently filed a grievance against the Augusta Mental Health Institute for failure to provide safe working conditions; and

Whereas, in order for the State to take immediate action to correct these problems, work must begin as soon as possible following the adjournment of the Third Special Session of the 113th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 3 MRSA §507, sub-§4, ¶B, as repealed and replaced by PL 1981, c. 698, § 3, is amended to read:

B. Unless continued or modified by law, the following Group B-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1983. The Maine Health Facilities Authority and the Maine State Housing Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1987:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;
- (4) Board of Registration in Medicine;
- (5) State Board of Nursing;
- (6) State Board of Optometry;
- (7) Board of Osteopathic Examination and Registration;
- (8) Board of Commissioners of the Profession of Pharmacy;
- (9) Examiners of Podiatrists;
- (10) Maine Health Facilities Cost Review Board;
- (11) Maine Medical Laboratory Commission;
- (12) State Planning and Advisory Council on Developmental Disabilities;
- (13) Maine Committee on Problems of the Mentally Retarded;
- (14) Governor's Committee on Employment of the Handicapped;
- (15) Division of Community Services;
- (16) Maine State Housing Authority; and
- (17) Maine Health Facilities Authority; and
- (18) Maine Commission on Mental Health.

Sec. 2. 5 MRSA §12004-I, sub-§§60 and 62, as enacted by PL 1987, c. 786, §5, are repealed.

Sec. 3. 5 MRSA §12004-J, sub-§7 is enacted to read:

<u>7. Mental Health</u>	<u>Maine Commission on Mental Health</u>	<u>Expenses Only</u>	<u>34-B MRSA §3901</u>
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Sec. 4. 34-B MRSA §1209, as amended by PL 1985, c. 712, §1, is repealed.