

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.

J.S. McCarthy Company
Augusta, Maine
1990

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

department or agency for any qualifying purchase or award of a contract or grant. Nothing in this section may be construed to require the adoption of new procedures for every new purchase, contract or award. Nothing in this section may be construed to require the State Purchasing Agent or the Department of Administration to approve any contract, grant or award that is not presently approved by the State Purchasing Agent or the Department of Administration under chapters 153 and 155.

Sec. 4. 30-A MRSA §124, 2nd ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

Except for purchases through the State, the county commissioners shall make all purchases over \$1,000 of services, supplies, materials and equipment needed by the county, or any department or agency of the county, by competitive bidding. Title 5, ~~section 1816~~ chapter 155, subchapter 1-A governs these purchases as far as applicable. Title 5, section ~~1816~~ 1825-B, subsection 2, paragraph A, governs purchases through the State.

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

Effective April 6, 1990.

CHAPTER 786

H.P. 1684 - L.D. 2330

An Act Concerning Security Deposits on Propane Gas Deliveries

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

Whereas, the costs associated with heating a home in this State through the winter months are extraordinarily high; and

Whereas, these costs create a tremendous financial hardship for the people of this State, particularly senior citizens and people on fixed incomes; and

Whereas, the additional financial burden presented by liquid propane dealers who collect security deposits from residential customers without returning interest on those deposits cannot be borne by the people of this State; 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:

32 MRSA c. 24-A is enacted to read:

CHAPTER 24-A

LIQUID PROPANE DEALERS

§1695. Interest on security deposits

Sellers of liquid propane for residential use may collect security deposits from residential customers only if the sellers return to the customers the deposit plus accrued interest at the market rate less any amount owed the seller at the time of the return of the deposit to the customer.

§1696. Penalty and enforcement

Any person, firm, partnership or corporation that violates any of the provisions of this chapter commits a civil violation for which a civil forfeiture of not more than \$500 for each offense must be adjudged.

When the Attorney General becomes cognizant of a possible violation of this chapter, the Attorney General shall investigate the matter and, if the Attorney General has reason to believe a violation has occurred, the Attorney General shall bring action in court to enforce the provisions of this chapter.

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

Effective April 6, 1990.

CHAPTER 787

H.P. 1749 - L.D. 2412

An Act to Provide for a Study of the Harness Racing Industry

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

Whereas, it is necessary to enact this legislation as an emergency measure in order that the Commission to Study the Harness Racing Industry may complete its study so that any recommendations may be implemented in a timely manner; 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:

PART A

Sec. A-1. 8 MRSA §274, sub-§2, as amended by PL 1987, c. 759, §3, is further amended by amending the first paragraph to read:

2. Payment to Treasurer of State. Each person, association or corporation licensed to conduct a race or race meet under this chapter shall pay to the Treasurer of State a sum equal to 1.203% of the total contributions of regular wagers and 1.18% 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. Notwithstanding other provisions of this subsection, the Treasurer of State shall credit \$3,380 of the amount received under this subsection in fiscal year 1989-90 to the Legislative Account to provide funding for a study of the harness racing industry. The Treasurer of State shall credit .073% of the total contributions of regular wagers and .050% of the total contributions of exotic wagers to all pari-mutuel pools, to the ~~stipend fund~~ Stipend Fund provided by Title 7, section 62, and shall distribute the balance in the following manner.

Sec. A-2. 8 MRSA §274, sub-§3, as amended by PL 1987, c. 759, §4, is further amended to read:

3. Payment to commission. A sum equal to 1.566% of the total contributions on exotic wagers and a sum equal to .073% of the total contributions on regular wagers ~~shall~~ must be paid to the commission to be credited to the Sire Stakes Fund, provided in section 281. Notwithstanding other provisions of this subsection, the commission shall credit \$3,380 of the amount received under this subsection in fiscal year 1989-90 to the Legislative Account to provide funding for a study of the harness racing industry.

Sec. A-3. 8 MRSA §275, 2nd ¶, as amended by PL 1987, c. 759, §6, is further amended to read:

A sum equal to 1% of the total contributions on regular 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~~ must be paid and returned to the licensees for the purpose of supplementing purse money. This sum ~~shall~~ must 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~~ are made to ~~said~~ these 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~~ must be retained by the licensee and added to purse money. Notwithstanding other provisions of this section, the Treasurer of State shall credit \$3,380 of the amount received under this

section in fiscal year 1989-90 to the Legislative Account to provide funding for a study of the harness racing industry.

PART B

Sec. B-1. Commission established. The Commission to Study the Harness Racing Industry is established.

Sec. B-2. Commission membership. The commission consists of 11 members: 2 members of the Senate appointed by the President of the Senate; 4 members of the House of Representatives appointed by the Speaker of the House of Representatives; one member representing the Maine Association of Agricultural Fairs; one driver, one trainer and one breeder of harness racing horses; and one member representing the public. Three of the 6 legislative appointments must be members of the Joint Standing Committee on Agriculture. The Governor shall appoint the nonlegislative members who must represent geographically diverse areas of the State.

Sec. B-3. Appointments; meetings; chair. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Chair of the Legislative Council shall call the first meeting of the commission no later than May 15, 1990. The commission shall select a legislative member as chair.

Sec. B-4. Duties. The commission shall undertake a study of the harness racing industry with the goal of ensuring the integrity of that industry. As part of this study, the commission shall:

1. Determine whether the harness racing industry is a viable industry and determine the amount of income, if any, it produces for the State;
2. Review the regulation of the harness racing industry and recommend appropriate changes;
3. Examine the role and duties of the State Harness Racing Commission and recommend appropriate changes to strengthen and support that commission;
4. Examine the laws and rules governing the industry with a goal of establishing better enforcement mechanisms for violations of the laws or rules;
5. Investigate the ability of industry participants to earn a living and examine the need to establish a list of rights and due process procedures that may not be denied to horse owners, trainers, drivers and grooms while participating in a meet; and
6. Examine and make recommendations on any issue that threatens the integrity and stability of the industry including, but not limited to, the following:

A. The need to develop improved methods of drug testing and oversight of drug use in the industry, including possible roles for the University of Maine;

B. The role of the Attorney General in regulating the industry;

C. The establishment of racing date schedules for more than one year at a time;

D. The disbursement of pari-mutuel pools under existing law;

E. The regulation of qualifying times; and

F. The adequacy of current fee structures in the industry.

Sec. B-5. Report. The commission shall complete its meetings by October 1, 1990, and submit its report, together with any necessary implementing legislation, to the First Regular Session of the 115th Legislature by November 1, 1990.

Sec. B-6. Staff assistance. The commission shall request from the Legislative Council sufficient staff assistance to carry out these duties. The Attorney General shall provide assistance as requested by the commission.

Sec. B-7. Reimbursement. Legislative members of the commission are entitled to per diem and expenses. Nonlegislative members are entitled to reimbursement for expenses upon application to the Legislative Council.

Sec. B-8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1989-90

LEGISLATURE

Commission to Study the Harness Racing Industry

Personal Services	\$2,640
All Other	7,500

Provides funds for travel, printing and related expenses of the Commission to Study the Harness Racing Industry.

LEGISLATURE

TOTAL	\$10,140
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 6, 1990.

CHAPTER 788

H.P. 1664 - L.D. 2304

An Act to Amend Certain Provisions in Marine Resources Laws

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

Whereas, provisions of the marine resources laws regulating the possession and packing of lobster tails were repealed by a sunset provision on March 1, 1989; and

Whereas, these activities are continuing without authorized oversight, and statutory authority is immediately required to continue oversight; 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. 12 MRSA §6024, sub-§1-A, as enacted by PL 1989, c. 8, §2; and as amended by PL 1989, c. 503, Pt. B, §§61 and 62, is further amended to read:

1-A. Appointment; composition; term; compensation. The ~~advisory council~~ Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, shall consist of 9 members. The ~~chair~~ Chair of the Lobster Advisory Council shall be an ex officio member of the council. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. Seven of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources. These 7 members shall be selected so as to adequately represent, together with the ~~chair~~ Chair of the Lobster Advisory Council, the various aspects of commercial fisheries' activities over which the department has jurisdiction. One of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original member for the unexpired portion of the term. No appointed member may serve for more than 2 consecutive terms at any one time. Appointed members shall serve until their successors are appointed. The ~~chair~~ Chair of the Lobster Advisory Council shall serve until a new ~~chair~~ Chair of the Lobster Advisory Council is chosen. Members shall be compensated as provided in Title 5, chapter 379.