

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

ments or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

1-B. Filing. An organization that chooses to use the proceeds or part of the proceeds as allowed by subsection 1-A must file with the Chief of the State Police, at least quarterly, a form for the disposition of funds prescribed by the Chief of the State Police detailing all payments made. Every statement on the form must be made under oath by an officer of the organization.

Sec. 4. 17 MRSA §326, sub-§2, as repealed and replaced by PL 1991, c. 590, is amended to read:

2. Rules. The rules adopted pursuant to section 317 must contain standards governing payments made under this section. Payments under subsection 1-A, paragraph A may not exceed 20% of the revenue generated by the games and the rules must limit payments to reasonable compensation, taking into account the nature of the services rendered, comparable wage rates, the size of the organization and other revenues, the size of the games and the revenue generated by the games. ~~Payments under this section may not exceed 20% of the revenue generated by the games.~~ The Chief of the State Police may disallow any excessive payment of proceeds, may suspend an organization's license for excessive payment of proceeds and may condition the restoration of an organization's license on the repayment of an excessive payment of proceeds to by the organization.

Sec. 5. 17 MRSA §335, sub-§1, as enacted by PL 1989, c. 825, §3, is amended to read:

1. Prohibition. Proceeds of any games of chance may not be used to provide salaries, wages or other remuneration to members, officers or employees of any organization authorized to conduct games of chance under this chapter, except that an organization licensed to operate beano or bingo and Lucky 7 games in conjunction with beano or bingo may use the proceeds or part of the proceeds to pay salaries, wages or remuneration to any person directly involved in operating the beano, bingo or Lucky 7 games. Payments to persons directly involved in operating beano, bingo or Lucky 7 games may not exceed 20% of the revenue generated by the games.

Sec. 6. 17 MRSA §335, sub-§2, as enacted by PL 1989, c. 825, §3, is repealed.

Sec. 7. 17 MRSA §335, sub-§2-A is enacted to read:

2-A. Exceptions. Notwithstanding subsection 1, a licensee may pay or use the proceeds of a game of chance to:

A. Defray the expenses or part of the expenses that further the purpose for which the organization is formed, except that the proceeds may not be:

(1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or

(2) Paid directly to organization members except as specifically allowed in this section; and

B. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application pursuant to this section and the application is approved by the licensing division within the Bureau of State Police.

(1) An application must be made in the form and contain the information the licensing division requires.

(a) In the case of serious illness or injury, the licensing division may require certification by a licensed physician in support of the application.

(b) In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

See title page for effective date.

CHAPTER 46

S.P. 94 - L.D. 248

An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act

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

Whereas, the Petroleum Market Share Act needs to be amended to clarify the scope of data to be provided to the Department of the Attorney General; and

Whereas, the modified reports need to be made immediately in order for the Attorney General to fulfill reporting obligations within the time frame contemplated by the 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. 10 MRSA §1673, sub-§1, as enacted by PL 1991, c. 836, §3, is repealed and the following enacted in its place:

1. Reporting by wholesaler. A wholesaler shall provide reports to the Department of the Attorney General in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year, setting forth:

A. The total gallons of home heating oil and motor fuel oil sold by the wholesaler to each retail outlet or retailer;

B. The total gallons of home heating oil and motor fuel oil supplied by the wholesaler to each retail outlet controlled by the wholesaler during any portion of the reporting period; and

C. The total gallons of home heating oil and motor fuel oil sold by the wholesaler from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 2. 10 MRSA §1673, sub-§2, ¶C is enacted to read:

C. A refiner shall provide reports to the Department of the Attorney General in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year, setting forth the total gallons of home heating oil and motor fuel oil supplied by the refiner to each retail outlet controlled by the refiner during any portion of the reporting period and the total gallons of home heating oil and motor fuel oil sold by the refiner from a bulk storage facility or depot directly to any end user for consumption in the State.

Sec. 3. 10 MRSA §1681, as enacted by PL 1991, c. 836, §3, is amended to read:

§1681. Fees

Annually by September 1st, ~~a wholesaler~~ every person who operates or causes to be operated an oil terminal facility within the State, as defined in Title 38, section 542, subsection 7, and every person who is required to register with the Commissioner of Environmental Protection pursuant to Title 38, section 545-B, shall pay to the Attorney General a fee for each 10,000 gallons of home heating oil and motor fuel oil ~~sold to retail outlets or retailers~~ transported into the State during the previous 12-month period ending June 1st. Home heating oil or motor fuel oil that is subsequently exported from the State is excluded from computation, except that home heating oil sold to a retailer or retail outlet located outside the State that sells home heating oil at retail within the State is not excluded. The fee that must be paid by September 1, 1992 is 45¢ for each 10,000 gallons or portion thereof. The fee for each subsequent year is 40¢ for each 10,000 gallons or portion thereof. The fees must be deposited in a dedicated, nonlapsing account, known as the Petroleum Marketing Fund. The Attorney General shall administer the fund. This section is repealed October 1, 1994.

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

Effective April 8, 1993.

CHAPTER 47

H.P. 294 - L.D. 382

An Act to Make the Minimum Age for a Muzzle-loading License the Same as the Minimum Age for a Hunting License

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

Sec. 1. 12 MRSA §7107-A, sub-§1, as amended by PL 1991, c. 443, §13, is repealed and the following enacted in its place:

1. Eligibility. The following provisions govern eligibility for hunting with a muzzle-loader.

A. Any person 16 years of age or older at the beginning of the special season established under subsection 4 may obtain a muzzle-loading license from the commissioner or the commissioner's authorized agent, provided that the person possesses a valid license to hunt big game.