

# MAINE STATE LEGISLATURE

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**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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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## CHAPTER 95

H.P. 156 - L.D. 208

## An Act Concerning Harness Racing

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

**Whereas,** the changes included in this legislation must take effect immediately in order to be in effect for the upcoming harness racing season; 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 amended by PL 1991, c. 579, §9, is further amended to read:

## §268. Rules

The commission shall adopt rules for the holding, conducting and operating of all harness horse races or meets for public exhibition held in this State and for the operation of racetracks on which any such race or meet is held; notwithstanding any other provision of law, harness horse races or meets held on Sunday may not commence until the hour of 1 p.m.

The commission may adopt rules for the licensing and operation of operating off-track betting facilities. The commission shall mail notice of proposed rules or proposed amendments to rules related to off-track betting to each member of the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to each member of the joint standing committee of the Legislature having jurisdiction over agricultural matters not less than 20 days before a public hearing on the proposed rule or amendment and not less than 20 days before adoption of such a rule or amendment without a public hearing. The notice must include a copy of the proposed rule or amendment. This paragraph is repealed 91 days after adjournment of the First Regular Session of the 117th Legislature.

The commission may authorize licensees of extended meets to provide for the simulcasting of entire racing cards for horse racing during the first 8 weeks of each year.

~~During 1991, the commission may proceed under the emergency rule-making provisions of Title 5, section 8054, without making findings of emergency when the~~

~~only changes to be made are regarding the number of simulcast horse races on the same day as any regular track meeting.~~

The commission may adopt rules allowing interstate simulcasting of horse racing at a licensee's race track during any regular meeting.

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

Effective May 12, 1993.

## CHAPTER 96

H.P. 185 - L.D. 237

## An Act Regarding the Approval of School Warrants by Municipal Officers

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

**Sec. 1. 20-A MRSA §15006, sub-§1,** as repealed and replaced by PL 1987, c. 402, Pt. A, §130, is repealed and the following enacted in its place:

1. Municipal schools. Money appropriated for public schools for educational purposes may be paid from the treasury of a municipality by the treasurer of the municipality in the following circumstances:

A. Upon written order of the municipal officers following receipt of a bill of items certified by the superintendent of schools and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board; or

B. Upon presentation of a disbursement warrant as provided in Title 30-A, section 5603, subsection 2, paragraph A, subparagraph (2).

**Sec. 2. 30-A MRSA §5603, sub-§2, ¶A,** as amended by PL 1991, c. 271, is further amended to read:

A. Disburse Except as provided in subparagraphs (1) and (2), disburse money only on the authority of a warrant drawn for the purpose by and signed by a majority of the municipal officers; 2

(1) The municipal officers may adopt a written policy to permit the disbursement of employees' wages and benefits when a disbursement warrant has been signed by one or more designated municipal officers. The policy must be filed with the town clerk and the municipal treasurer and renewed an-

nually by vote of the municipal officers. ~~No disbursements other than wages and benefits may be made until a majority of the municipal officers have signed the disbursement warrant;~~

(2) The municipal officers may adopt a written policy to permit the disbursement of payments for municipal education costs when a disbursement warrant has been signed by the school superintendent and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers;

See title page for effective date.

## CHAPTER 97

H.P. 205 - L.D. 267

### An Act Concerning Court Approval of Minor Settlements

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

**Sec. 1. 14 MRSA §1605**, as enacted by PL 1979, c. 540, §17-A, is amended to read:

#### **§1605. Settlements to be approved by court**

No settlement of any action brought in behalf of an infant by next friend or defended on ~~his~~ the infant's behalf by guardian or guardian ad litem ~~shall be~~ is valid unless approved by the court in which the action is pending, or affirmed by an entry of judgment. If no action has been commenced, an infant by next friend may apply to any court in which an action based on the claim of the infant could have been commenced for an order approving the settlement of any such claim. An order approving such a settlement ~~shall have~~ has the effect of a judgment. The court may make all necessary orders for protecting the interests of the infant, including requiring that funds be disbursed through establishment of a trust, and may require the guardian ad litem or next friend to give bond to truly account for all money received in behalf of the infant.

See title page for effective date.

## CHAPTER 98

H.P. 273 - L.D. 351

### An Act Related to Common Nuisances

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

**Sec. 1. 17 MRSA §2741**, as amended by PL 1981, c. 279, §9, is further amended to read:

#### **§2741. Common nuisances; jurisdiction to abate**

All places used as houses of ill fame; or for the illegal sale or keeping of intoxicating liquors or ~~narcotic~~ scheduled drugs, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipping purposes; and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances. The Superior Court ~~shall have~~ has jurisdiction, upon information filed by the county Attorney General or the district attorney or upon complaint filed by not less than 7 legal voters of ~~his~~ that county setting forth any of the facts contained ~~herein~~ in this section, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by ~~said~~ the court. Such an injunction ~~shall~~ forever ~~run~~ runs against the building or other place or structure while titled in the name of the same owner under which the nuisance is committed was initially enjoined. The injunction ceases to run against the building or other place or structure upon transfer of ownership to a bona fide purchaser. Following the issuance of such an injunction, if the Attorney General or district attorney has reasonable grounds to question whether a transfer of ownership is to a bona fide purchaser, the Attorney General or district attorney, within one year from the date of transfer of ownership, shall move the court to reinstate the injunction against the title of the new owner. No dismissal of such information or complaint ~~shall~~ may prevent action upon any information or complaint subsequently filed covering the same subject matter.

For purposes of this subchapter, proof by a preponderance of evidence that an owner or occupant of a building or other place or structure, or any part thereof, has trafficked or furnished at the building, place or structure, or any part thereof, any scheduled drug as defined by Title 17-A, chapter 45 on 2 or more occasions within a 3-year period is sufficient to prove that the building, place or structure is a common nuisance.

See title page for effective date.

## CHAPTER 99

H.P. 301 - L.D. 389

### An Act to Amend the Laws Relating to Financial Institution Service Corporations