

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

this chapter shall allow providers to contract, subject to the health maintenance organization's credentialing policy, for the provision of mental health services within the scope of the provider's licensure.

**9. Limits; coinsurance; deductibles.** A policy or contract that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

**10. Reports to the superintendent.** Every health maintenance organization subject to this section shall report its experience for each calendar year to the superintendent no later than April 30th of the following year. The report must be in a form prescribed by the superintendent and include the amount of claims paid in this State for the services required by this section and the total amount of claims paid in this State for individual and group health care contracts, both separated according to those paid for inpatient, day treatment and outpatient services. The superintendent shall compile this data for all health maintenance organizations in an annual report.

**11. Application.** Except as otherwise provided, the requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on and after July 1, 1996. For purposes of this section, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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## CHAPTER 408

### H.P. 619 - L.D. 829

#### An Act to Strengthen Maine's Live 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,** the harness racing industry is an important industry in the State; and

**Whereas,** a more equitable distribution of purse funds must be provided immediately in order to strengthen live racing in the State; and

**Whereas,** this legislation will provide for a more equitable distribution of purse funds; 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 §271, sub-§1,** as amended by PL 1991, c. 579, §10, is further amended to read:

**1. Licensing.** If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of racing dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The commission shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed annually the greater of \$100 or \$10 for each calendar week or part of a week of harness racing regardless of whether pari-mutuel pools are sold. The commission shall provide a booklet containing harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. The commission shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost of the revisions, not to exceed \$10, in the renewal fee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. The location stated in the license where the race or race meet is to be held may be transferred to any other licensee on the dates set forth in the license during which the racing may be conducted, but, with respect to that transfer, the transfer may only be made to another licensee and the licensee is liable for compliance with all laws and regulations governing the conduct of harness racing. Any such license issued is not transferable or assignable. The Administrative Court Judge, as designated in Title 4, chapter 25, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license of any corporation is automatically revoked, subject to Title 5, chapter 375, upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation

and the corporation may not hold a harness horse race or meet for public exhibition without a new license.

**Sec. 2. 8 MRSA §271, sub-§2**, as amended by PL 1993, c. 388, §4, is further amended to read:

**2. Criteria for date awards.** In assigning race dates to licensees, the commission shall consider the following factors:

A. The revenues to be generated, consistent with the profitability and financial health of the licensee, for the General Fund pursuant to section 275-H; the purse supplements pursuant to section 275-I; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 62;

B. The quality of race programming and facilities offered and to be offered by the licensee and the suitability of the applicant's racing facilities for operation at the season for which the race dates are requested;

C. The necessity of having and maintaining proper physical facilities for racing meetings; and consequently, to insure the continuance of the facilities, the quality of the licensee's maintenance of its track and plant, the adequacy of its provisions for rehabilitation and capital improvements and the necessity of fair treatment of the economic interests and investments of those who, in good faith, have provided and maintained racing facilities;

D. The desirability of reasonable consistency in the pattern of race date assignments from year to year;

E. With respect to agricultural societies seeking licenses to conduct harness racing meets at the time of their annual fairs, the scheduling of agricultural fairs determined by the Commissioner of Agriculture, Food and Rural Resources pursuant to Title 7, sections 65 and 65-A;

F. The preservation of a diversity of harness racing tracks in the State;

G. The quality of the licensee's observance and enforcement of this chapter and the rules promulgated pursuant to this chapter during the past year;

H. The extent to which the licensee fully utilized ~~racing~~ race dates granted to it for the past year;

I. The personnel and resources available to the commission for the enforcement of this chapter and the rules promulgated pursuant to this chapter;

J. The likely availability of race-worthy horses throughout the year; and

K. Such other criteria consistent with the betterment of harness racing and the public health, safety and welfare as the commission may establish by rule.

**Sec. 3. 8 MRSA §271, sub-§5**, as enacted by PL 1991, c. 579, §10, is amended to read:

**5. Minimum number of race dates.** The commission may assign a commercial licensee a minimum number of ~~racing days~~ race dates for a period of up to 3 years. The specific calendar dates for ~~these racing days~~ the minimum number of race dates and any additional race dates are determined each year in accordance with subsection 1. For the purposes of this subsection, "commercial licensee" means a licensee with an annual total of more than 25 ~~racing days~~ race dates with pari-mutuel wagering in the previous calendar year.

**Sec. 4. 8 MRSA §275-A, sub-§1-A** is enacted to read:

**1-A. Commercial meet.** "Commercial meet" means harness horse racing conducted live at a commercial track.

**Sec. 5. 8 MRSA §275-A, sub-§9-A** is enacted to read:

**9-A. Race date.** "Race date" means a scheduled racing program of not less than 8 separate live races. In the event of cancellation of a portion of the scheduled racing program due to weather, power failure or a decision to cancel by the presiding judge on duty, a minimum of 5 live races actually raced constitutes a race date. If a licensee schedules separate programs for both an afternoon and an evening on the same calendar day and each program qualifies as a race date under this subsection, that licensee is granted one race date for each program.

**Sec. 6. 8 MRSA §275-A, sub-§10-A** is enacted to read:

**10-A. Regular meeting.** "Regular meeting" means the period of time from the first date a licensee is authorized to conduct live racing through the last date a licensee is authorized to conduct live racing, excluding periods of time longer than 14 days when the licensee is not authorized to conduct live racing. Notwithstanding this subsection, the regular meeting of a licensee that is licensed to conduct live racing in at least 6 separate calendar months includes the entire calendar year.

**Sec. 7. 8 MRSA §275-D, sub-§8, ¶A**, as enacted by PL 1993, c. 388, §8, is amended to read:

A. An off-track betting facility located within a 75-mile radius of a noncommercial racing licensee may not present a simulcast at the same time that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 2% of the wagers made at the facility at the time live racing is being conducted. An off-track betting facility within a 50-mile radius of a noncommercial racing licensee may not present a simulcast during any day on which that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 1% of the wagers made on that day. Amounts payable under this section are taken from the facility's share of wagers authorized in section 275-K. If the racing licensee is conducting simulcasting pursuant to section 275-J, subsection 3, then the racing licensee is not entitled to payment by the facility under this section.

**Sec. 8. 8 MRSA §275-F, sub-§3, ¶A,** as enacted by PL 1993, c. 388, §8, is amended to read:

A. The first ~~\$295,000~~ \$400,000 of the total amount, regardless of when actually collected, must be credited to the Stipend Fund provided in Title 7, section 62.

**Sec. 9. 8 MRSA §275-F, sub-§3, ¶B,** as enacted by PL 1993, c. 388, §8, is repealed.

**Sec. 10. 8 MRSA §275-F, sub-§3, ¶C,** as enacted by PL 1993, c. 388, §8, is amended to read:

C. From the balance of the total amount in excess of ~~\$350,000~~ \$400,000, regardless of when actually collected, 80% must be paid and returned no later than 30 days after the end of the calendar year to those persons, associations and corporations that during that calendar year, conducted an extended meet pursuant to a license granted by the commission in section 271. This payment must be divided in the proportion that the contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the extended meets of each racing licensee during that calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the extended meets of all racing 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 remaining 20% must be credited to the Stipend Fund provided in Title 7, section 62.

**Sec. 11. 8 MRSA §275-H, sub-§3, ¶A,** as enacted by PL 1993, c. 388, §8, is amended to read:

A. The Treasurer of State must return to commercial meet licensees 72% of the revenue credited to the General Fund under this section attributable to amounts in excess of \$33,500,000. This payment must be divided in the proportion that the contributions of regular and exotic wagers of pari-mutuel pools on live racing 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 on live racing 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 received for the purpose of supplementing purse money. The other 1/2 of this distribution must be paid to the commercial licensees as reimbursement for improvements made to their racing facilities in the calendar year during which the funds are generated. To receive reimbursement, commercial licensees must submit plans for the improvements to the commission and receive approval from the commission prior to making the improvements and the commission must verify that the approved improvements have been made.

**Sec. 12. 8 MRSA §275-I, sub-§3,** as corrected by RR 1993, c. 2, §7, is repealed and the following enacted in its place:

**3. Distribution based on race dates.** On May 30th, September 30th and January 30th, payments made under subsections 1 and 2 for distribution in accordance with this subsection must be divided among the licensees conducting live racing in the State. The amount of the payment made to a licensee is calculated by dividing the number of race dates that the licensee live raced in any calendar year by the total number of race dates live raced by all licensees in that year. The payment due in May 1995 must be distributed among the licensees conducting live racing in the State in proportion to the number of dates each licensee is licensed and actually open for wagering during 1995. The January 30, 1996 payment must be adjusted to reflect the dates actually live raced during the months of May to December of 1995. Beginning January 30, 1997, the January 30th payment must be adjusted to reflect the dates actually live raced during the previous year, not the dates granted.

**Sec. 13. 8 MRSA §275-J, sub-§3,** as amended by PL 1993, c. 646, §2, is further amended to read:

**3. Distribution based on wagered amounts.** On May ~~15th~~ 30th, September ~~15th~~ 30th and within ~~45~~ 30 days after the close of all off-track betting facilities for the year, amounts payable under subsections 1 and 2 for distribution in accordance with this subsection

must be distributed to commercial race tracks and the agricultural fair associations only for the dates assigned by the Commissioner of Agriculture, Food and Rural Resources pursuant to Title 7, section 65 in the State that provide simulcast transmission of live racing in the State in proportion to the amount of wagers placed at off-track betting facilities on simulcast races from that licensee up to the last day of the preceding month and the total amount wagered at off-track betting facilities on races simulcast from all commercial racetracks up to that date. The last payment of the calendar year must be adjusted to reflect each licensee's wagers in proportion to the total wagered at off-track betting facilities in that calendar year.

**Sec. 14. 8 MRSA §275-N**, as enacted by PL 1993, c. 707, Pt. U, §2, is repealed and the following enacted in its place:

**§275-N. Limitations on off-track betting facilities**

The commission may not allow interstate simulcasting or license any off-track betting facility for any calendar year unless during the preceding calendar year there was at least 150 race dates on which live racing was actually conducted at the commercial tracks. Interstate simulcasting must always be allowed at any commercial track that conducted at least 136 race dates during the immediately preceding calendar year or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B at which at least 35 race dates were conducted during the immediately preceding year. For the purposes of this section, any race date that the commission determines was canceled due to a natural or other disaster must be counted as a race date.

Beginning with licenses issued for calendar year 1996, notwithstanding any other provision of this chapter, every commercial track that is licensed for a specific calendar year must be assigned all of the race dates that it requests for that year if it conducted live racing on those dates during the immediately preceding calendar year. For the purposes of this section, a race date is the same from year to year if it is the closest calendar date that falls on the same day of the week.

**Sec. 15. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		

**Administration - Agriculture**

All Other	\$98,000	\$100,000
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Allocates funds to reflect an increase in the amounts distributed to agricultural fairs.

**State Harness Racing Commission**

All Other	(\$98,000)	(\$100,000)
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Deallocates funds to reflect a decrease in the amounts distributed to extended meets.

**DEPARTMENT OF  
AGRICULTURE, FOOD  
AND RURAL RESOURCES**

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**TOTAL** \$-0- \$-0-

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

Effective July 3, 1995.

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**CHAPTER 409**

**S.P. 360 - L.D. 986**

**An Act to Regulate Hybrid Wolves**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 7 MRSA §3907, sub-§17**, as enacted by PL 1987, c. 383, §3, is amended to read:

**17. Kennel.** "Kennel" means one pack or collection of dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.

**Sec. 2. 7 MRSA §3907, sub-§30** is enacted to read: