

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

B. A description of the organizational structure and operation of the health maintenance organization, including the kind and extent of enrollee participation; and a summary of any material changes since the issuance of the last report; and

Sec. D-5. 24-A MRSA §4209, sub-§1, ¶C and ¶D, as enacted by PL 1989, c. 842, §15, are repealed.

Sec. D-6. 24-A MRSA §4209, sub-§1, ¶E is enacted to read:

E. A description of the plan as required under section 4302, subsection 1.

Sec. D-7. 24-A MRSA §4222-B, sub-§9 is enacted to read:

9. The requirements of chapter 56-A and any rules adopted pursuant to that chapter apply to health maintenance organizations.

Sec. D-8. 24-A MRSA §4234-A, sub-§11, as enacted by PL 1995, c. 407, §10, is amended to read:

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. Contracts entered into with the State Government or the Federal Government to service Medicaid or Medicare populations may limit the services provided under such contracts consistent with the terms of those contracts if mental health services are provided to these populations by other means. For purposes of this section, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

Sec. D-9. Allocation. The following funds are allocated from the Insurance Regulatory Fund to carry out the purposes of this Act.

1996-97

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Insurance

All Other \$15,000

Allocates funds for the costs of adopting rules pertaining to certain changes in health care

insurance regulatory requirements.

See title page for effective date, unless otherwise indicated.

CHAPTER 674

H.P. 1389 - L.D. 1891

An Act to Clarify the Gambling Laws of Maine

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

Sec. 1. 17 MRSA §330, sub-§2, as repealed and replaced by PL 1977, c. 350, §1, is repealed and the following enacted in its place:

2. Game of chance. "Game of chance" means any game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value;

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and

C. Chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill.

For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or simulations of any of these. A shuffle of a deck or decks of cards, a roll of a die or dice, a random drawing or generation of an object or objects or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance. For purposes of this chapter, beano and bingo are not games of chance.

Sec. 2. 17 MRSA §330, sub-§2-A, as enacted by PL 1983, c. 225, §1, is repealed and the following enacted in its place:

2-A. Game of skill. "Game of skill" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that is not a game of chance.

Sec. 3. 17 MRSA §343, as amended by PL 1983, c. 705, §8, is further amended by adding at the end a new paragraph to read:

The Chief of the State Police shall provide a mechanism for individuals and businesses to request a determination from the State Police as to whether a particular game, contest, scheme or device qualifies as a game of chance or a game of skill.

Sec. 4. 17-A MRSA §952, sub-§3, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

3. Contest of chance. "Contest of chance" means any game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value;

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and

C. Chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill.

For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or simulations of any of these. A shuffle of a deck or decks of cards, a roll of a die or dice, a random drawing or generation of an object or objects or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance.

Sec. 5. Report. The Governor shall report to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs no later than January 31, 1997 on the status and any recommendations of national gaming studies or commissions convened by the United States Congress.

Sec. 6. Notification. The Chief of the State Police shall notify all games of chance licensees, licensed distributors of gambling apparatus or implements, holders of Class A restaurant or lounge, club, or hotel licenses, incorporated civic organizations, and the Maine Gaming Association of the passage of this Act and the availability of a

predetermination under the Maine Revised Statutes, Title 17, section 343.

See title page for effective date.

CHAPTER 675

H.P. 212 - L.D. 271

An Act to Establish an Electronic Benefit Transfer System for Programs Administered by State Government

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

Sec. 1. 22 MRSA c. 1, sub-c. I-A is enacted to read:

SUBCHAPTER I-A

ELECTRONIC BENEFIT TRANSFER SYSTEM

§21. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. AFDC. "AFDC" means the Aid to Families with Dependent Children program administered pursuant to chapter 1053.

2. Automated teller machine or ATM. "Automated teller machine" or "ATM" means a machine that accepts a debit card distributed to recipients; to the extent permitted by federal law on the effective date of this subchapter, issues funds from established accounts to recipients; and records and reports individual recipient account activity related to the deposit and distribution of recipient cash benefits.

3. Debit card. "Debit card" means an encoded plastic card distributed by the department or another department or a contractor with that department for use in an automated teller machine or a point of sale device.

4. Electronic benefits transfer system or EBT. "Electronic benefits transfer system" or "EBT" means a system for the delivery of benefits to recipients by means of automated teller machines or point of sale devices.

5. Food stamps. "Food stamps" means the food stamp program established pursuant to section 3104.

6. Medicaid. "Medicaid" means the Medicaid program under the provisions of the United States Social Security Act, Title XIX, and successors to it.