

MAINE STATE LEGISLATURE

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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

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Sec. 4. 17-A MRSA §952, sub-§3, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place: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

and related rules of the department pursuant to chapter 855.

7. Other department or another department. "Other department" or "another department" means a department of the State other than the Department of Human Services.

8. Other program or another program. "Other program" or "another program" means a program of the department not defined as a program in subsection 10 or a program of another department that is approved for addition to the EBT system.

9. Point of sale device. "Point of sale device" means a machine that accepts a debit card distributed to recipients; electronically processes transactions at the vendor's place of business; and records and reports individual recipient benefit entitlement and distribution.

10. Program. "Program" means the AFDC program, food stamps or Medicaid program or another program.

11. Recipient. "Recipient" means a recipient of benefits under the AFDC, food stamp or Medicaid programs or another program.

12. Vendor. "Vendor" means an authorized retailer, wholesaler or health care provider that provides food, cash benefits or health care services to a recipient.

§22. Electronic benefit transfer system established

The department is authorized to establish an electronic benefit transfer system for the issuance of benefits under the AFDC, food stamp and Medicaid programs.

1. Rulemaking. In accordance with Title 5, chapter 375, the department shall adopt rules required for implementation of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Other programs. The department may add other programs to the EBT system if approved for addition by their respective departments, as long as rules are adopted by the department and other departments for the administration of and delivery of benefits under those programs.

3. Participation. All recipients of benefits under the AFDC, food stamp and Medicaid program or another program approved for addition under subsection 2 must participate in the EBT system.

4. Restriction. The following requirements apply prior to implementation of the EBT system and as applied to each program using the EBT system:

A. The department and other departments must determine that use of the EBT system will not decrease benefits or result in unreasonable costs to the recipients; and

B. The department and other departments must successfully complete a request-for-proposals evaluation and contract negotiations that ensure that the EBT system will be cost-effective for the individual program.

Sec. 2. Report. By January 1, 1997, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over human resource matters on progress in implementing the electronic benefit transfer system established under the Maine Revised Statutes, Title 22, section 22.

See title page for effective date.

CHAPTER 676

H.P. 370 - L.D. 505

An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf

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

Sec. 1. 5 MRSA §12004-C, sub-§7 is enacted to read:

<u>7. School Board of the Governor Baxter School for the Deaf</u>	<u>Legislative Per Diem and Expenses</u>	<u>20-A MRSA §7406</u>
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Sec. 2. 5 MRSA §12004-I, sub-§15, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 3. 20-A MRSA §202, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 4. 20-A MRSA §256, sub-§§8 and 9, as enacted by PL 1991, c. 591, Pt. I, §1, are repealed.

Sec. 5. 20-A MRSA c. 304 is enacted to read:

CHAPTER 304

GOVERNOR BAXTER SCHOOL FOR THE DEAF