

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

All Other (\$2,409,149)

Deappropriates funds to be transferred to the Department of Human Services to reflect the transfer of responsibility for the personal care assistance program.

DEPARTMENT OF LABOR
TOTAL (\$2,409,149)

TOTAL APPROPRIATIONS -\$0-

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1998.

Effective July 1, 1998.

CHAPTER 735

H.P. 1542 - L.D. 2169

An Act Regarding the Employment of Harness Race Track Officials

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

Sec. 1. 8 MRSA §264, as amended by PL 1997, c. 528, §7, is repealed and the following enacted in its place:

§264. Employees

The department may employ such personnel as it considers necessary to provide adequate oversight and enforcement and to carry out the purposes of this chapter, subject to the Civil Service Law. The department may fix the compensation of the employees on a per diem basis, subject to the Civil Service Law.

Notwithstanding the provisions of this section, all officials whose presence is regularly required at a race meet must be licensed by the commission and hired on an annual basis by the licensee. The commission shall provide the list of approved judges in accordance with section 279-C. The licensee may terminate the employment of a presiding or associate judge hired under this section only with the consent of the commission.

In determining whether a presiding or associate judge may be terminated by a licensee, the commission shall consider improper conduct on behalf of the employee, failure to enforce the rules prescribed by

the commission, malfeasance, violation of commission rules or behavior detrimental to the conduct of racing.

Sec. 2. 8 MRSA §272-A, sub-§2, as enacted by PL 1997, c. 474, §2 and affected by §6, is amended to read:

2. Bargaining agent funding. One and one-half percent of the amounts deposited in the trust account each month must be paid to the exclusive bargaining agent for horsepersons at that ~~race track~~ racetrack if ~~that~~ a representative has been elected pursuant to section ~~285~~ 285-A.

Sec. 3. 8 MRSA §272-A, sub-§3, ¶B, as enacted by PL 1997, c. 474, §2 and affected by §6, is amended to read:

B. Any money borrowed pursuant to this subsection must be repaid to the licensee's trust account with interest calculated equal to the coupon issue yield equivalent, as determined by the United States Secretary of the Treasury, of the average accepted auction price for the last auction of 52-week United States Treasury bills settled immediately prior to the date from which the interest is calculated, plus 4%, in equal daily deposits over the balance of the calendar year beginning with the day after the money is borrowed, except that prepayment may be made without penalty and without consent being required. Repayment on a different schedule is permitted pursuant to the written authorization of the exclusive bargaining agent elected pursuant to section ~~285~~ 285-A, but in any event any repayment must be paid no later than December 31st of the year the funds were borrowed.

Sec. 4. 8 MRSA §272-A, sub-§5, as enacted by PL 1997, c. 474, §2 and affected by §6, is amended to read:

5. Repayment from distribution under section 275-J. If by January 1st of any year a licensee has not repaid in full any money borrowed pursuant to subsection 3, the exclusive bargaining agent elected pursuant to section ~~285~~ 285-A at that track shall notify the commission of the amount of the outstanding debt. The commission shall withhold that amount from the next payment due to that licensee under section 275-J and conduct a hearing to determine whether in fact money borrowed pursuant to subsection 3 has not been repaid. If the commission finds that any borrowed amount remains unpaid, the commission shall deposit directly into the licensee's trust account the amount of the withheld money needed to repay the loan and shall tender any balance to the licensee.

Sec. 5. 8 MRSA §275-D, sub-§13, as enacted by PL 1997, c. 528, §24, is amended to read:

13. Conditions. The commission is authorized to impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued and the licensee is able to comply with the conditions within a specified time period during the licensing year or if the conditions are requested both by the municipality as a condition of its approval and by the applicant.

Sec. 6. 8 MRSA §285, as enacted by PL 1997, c. 474, §5, is reallocated to 8 MRSA §285-A.

Sec. 7. 8 MRSA §285, sub-§3, as enacted by PL 1997, c. 528, §46 and affected by §47, is repealed and the following enacted in its place:

3. Membership. The board consists of 9 members and 2 alternates appointed by the commissioner. Full, voting board members must be appointed by the commissioner as follows:

A. Two persons representing commercial tracks; one representing and recommended by each of the 2 commercial harness racing tracks in the State;

B. One person recommended by an association in the State representing harness horsemen;

C. Two persons recommended by an association in the State representing Standardbred breeders and owners;

D. One person nominated by the Maine Association of Agricultural Fairs;

E. One person who represents the interests of off-track betting facilities; and

F. Two persons who are members of the general public with an interest in harness racing.

Alternates must be members of the general public with an interest in harness racing. An alternate may cast a vote as a member of the board upon the absence of a full, voting member.

Members serve 3-year terms.

Sec. 8. 8 MRSA §285, sub-§12, as enacted by PL 1997, c. 528, §46 and affected by §47, is repealed and the following enacted in its place:

12. Report to Legislature. The board shall provide a report to the joint standing committee of the Legislature having jurisdiction over matters of harness racing on or before the 15th of February each year. The report must contain:

A. A discussion of any areas of policy or administration that, in the opinion of the board,

should be brought to the attention of the committee;

B. A review of the operations of the board, including a summary of income and expenses of the Harness Racing Promotional Fund and improvement to the economic condition of the harness racing industry in the State; and

C. A discussion of the progress toward meeting the goals of subsection 6.

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Harness Racing Commission

All Other (\$129,600)

Deappropriates funds designated to hire certain race track officials. These funds are no longer needed.

See title page for effective date.

CHAPTER 736

H.P. 1449 - L.D. 2040

An Act to Amend the Law Relating to Special Education Out-of-district Placements

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

Sec. 1. 20-A MRSA §7302, sub-§3, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. Private schools that have an exclusive contract with a school administrative unit for the provision of secondary education or that have a student enrollment with greater than 60% public tuition students are exempted from the provision of paragraph A and ~~shall~~ **must** be treated as public schools for the computation of special education tuition rates.

Sec. 2. 20-A MRSA §15612, sub-§11, as repealed and replaced by PL 1989, c. 878, Pt. D, §7, is amended to read: