

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

viduals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.; or

C. Site staff therapists are able to provide services comparable to those provided by contract therapists at an identifiable savings to the Child Development Services System, as determined by the commissioner;

Prior to making application for approval to hire a professional therapist, the site board of directors or its designee shall consult with the provider advisory board for that region and document the need for those services based on the availability of services and on the timeliness requirements of federal law;

See title page for effective date.

CHAPTER 622

S.P. 478 - L.D. 1438

An Act to Allow for Expeditious Improvements to Commercial Tracks

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

Sec. 1. 8 MRSA §287, sub-§§2 and 5, as enacted by PL 1997, c. 528, §46, are amended to read:

2. Commercial meet account. The Treasurer of State shall deposit in a commercial meet account 72% of the revenue credited to the General Fund under this section that is attributable to amounts in excess of \$35,000,000. This account 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 or, beginning January 1, 2000, during the prior year. 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.

5. Definition. For the purposes of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to

improve the facilities utilized by the licensee for conducting its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility that results in the addition ~~of~~ replacement or substantial enhancement or restoration of a fixed asset or of a movable asset that is important to efficient operation of the racing meetings. In general, the amounts referred to as improvements include amounts paid that add to the value, improve or substantially prolong the useful life of the racetrack and moveable assets utilized by the licensee for conducting its racing meetings. Amounts paid or incurred for routine repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section. In order to qualify as an improvement, a substantial enhancement or restoration of an asset must cost at least \$2,000 and must be an expenditure that would qualify for depreciation under the United States Internal Revenue Code. A moveable asset may be considered important to the efficient operation of a race meeting if the asset will remain at the commercial track or at the offices of the licensee throughout its use and if that asset is directly associated with running races, accommodating patrons of the race meet, conducting pari-mutuel wagering or paying purses.

Sec. 2. 8 MRSA §287, sub-§7 is enacted to read:

7. Interim payments to commercial tracks. If during the course of any calendar year the commission finds that wagers placed at facilities licensed under this chapter for the year are likely to exceed \$35,000,000, it may, if reasonably necessary for improvements to be effected expeditiously, direct the Treasurer of State to make interim payments to a commercial track in amounts as the commission finds the commercial track is likely to be entitled to receive under this section. If a commercial track receives interim payments under this subsection that exceed the total amount the commercial track is entitled to receive for the calendar year, the Treasurer of State shall reimburse the General Fund for this excess by retaining money otherwise due to that commercial track pursuant to section 295.

See title page for effective date.

CHAPTER 623

H.P. 1621 - L.D. 2268

An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format

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

Sec. 1. 5 MRSA §1825-J is enacted to read:

§1825-J. Reports

When a state agency enters into a contract with a nongovernmental entity, and the contract includes a report to the agency, the contract must require that the report be in writing or in another reproducible nontransitory medium and be submitted to the agency. The report must express all of the substantive conclusions disclosed to the agency and either summarize the information and data or identify the source of the information and data on which those conclusions are based. Once the report is submitted, the agency shall retain at least one copy of the report in its custody. This section applies to contracts with a total cost of \$10,000 or more.

See title page for effective date.

CHAPTER 624

H.P. 1741 - L.D. 2447

An Act to Amend the Maine Juvenile Code

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

PART A

Sec. A-1. 15 MRSA §3203-A, sub-§2, ¶A, as amended by PL 1999, c. 260, Pt. A, §2, is further amended to read:

A. When a juvenile is arrested, the law enforcement officer or the juvenile ~~caseworker~~ community corrections officer shall notify the legal custodian of the juvenile without unnecessary delay and inform the legal custodian of the juvenile's whereabouts, the name and telephone number of the juvenile ~~caseworker~~ community corrections officer who has been contacted and, if a juvenile has been placed in a secure juvenile detention facility, that a detention hearing will be held within 24 ~~48~~ hours following this placement, excluding Saturday, Sunday and legal holidays. Notwithstanding this provision, if a juvenile has been placed in a secure detention facility pursuant to subsection 7, paragraph B-5, the law enforcement officer or the juvenile community corrections officer shall notify the legal custodian that a detention hearing will be held within 24 hours following this placement, excluding Saturday, Sunday and legal holidays.

Sec. A-2. 15 MRSA §3203-A, sub-§4, ¶E, as amended by PL 1999, c. 260, Pt. A, §4, is further amended to read:

E. If a juvenile ~~caseworker~~ community corrections officer or an attorney for the State orders a juvenile detained, the juvenile ~~caseworker~~ community corrections officer who ordered the detention or the attorney for the State who ordered the detention shall petition the Juvenile Court for a review of the detention in time for the detention hearing to take place within 24 ~~hours following the detention~~ the time provided by subsection 5, unless the juvenile ~~caseworker~~ community corrections officer who ordered the detention or the attorney for the State who ordered the detention has ordered the release of the juvenile. The juvenile ~~caseworker~~ community corrections officer who ordered the detention or the attorney for the State who ordered the detention may order the release of the juvenile anytime prior to the detention hearing. If the juvenile is so released, a detention hearing may not be held.

Sec. A-3. 15 MRSA §3203-A, sub-§5, as amended by PL 1999, c. 531, Pt. J, §1, is further amended to read:

5. Detention hearing. Upon petition by a juvenile ~~caseworker~~ community corrections officer who ordered the detention or an attorney for the State who ordered the detention, the Juvenile Court shall review the decision to detain a juvenile within 24 ~~48~~ hours following the detention, excluding Saturday, Sunday and legal holidays, except that if a juvenile is detained pursuant to subsection 7, paragraph B-5, the Juvenile Court shall review the decision to detain the juvenile within 24 hours following the detention, excluding Saturday, Sunday and legal holidays.

A. A detention hearing must precede and must be separate from a bind-over or adjudicatory hearing. Evidence presented at a detention hearing may include testimony, affidavits and other reliable hearsay evidence as permitted by the court and may be considered in making any determination in that hearing.

B. Following a detention hearing, a court shall order a juvenile's release, in accordance with subsection 4, unless it finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention provided in that subsection. The Juvenile Court shall ensure, by appropriate order, that any such continued detention is otherwise in accordance with the requirements of subsection 4.

C. Continued detention may not be ordered unless the Juvenile Court determines that there is