

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
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~~conduct of harness racing.~~ If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. Any such license issued is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, 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. 4. 8 MRSA §275-N, as amended by PL 2001, c. 320, §2, is further amended to read:

§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 2 calendar years there were at least 150 race dates on which live racing actually was conducted at the commercial tracks. Interstate simulcasting always must be allowed at any commercial track that conducted at least 136 race dates during the immediately preceding 2 calendar years 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 preceding 2 years if the interstate simulcasting at the commercial track is conducted during the regular meeting. 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. For the purposes of this section, any race date that is canceled at a commercial race track due to the inability to meet the requirements of section 275-A, subsection 9-A because of a horse shortage, as verified by the state steward, is counted as a race date for the purpose of meeting the requirements of section 275-A, subsection 1.

Sec. 5. 8 MRSA §295, sub-§2, as amended by PL 2001, c. 300, §3, is further amended to read:

2. Distribution. On May 30th, September 30th and within 30 days after the close of all off-track betting facilities for the year, amounts payable under subsection 1 for distribution in accordance with this subsection must be distributed ~~only for the dates assigned by the commissioner pursuant to Title 7, section 65 to the commercial racetracks and the agricultural fair associations that provide simulcast transmission of live racing in the State~~ to all commercial tracks that have provided simulcast transmission

of live racing in the State on any date and to those agricultural fair associations that have provided simulcast transmission of live racing in the State on the dates assigned by the commissioner pursuant to Title 7, section 65. Distribution must be in the proportion that the amount of exotic wagers placed at off-track betting facilities on simulcast races from each licensee up to the last day of the preceding month bears to the total amount of exotic wagers at off-track betting facilities on races simulcast from all commercial racetracks and agricultural fair associations up to that date. The last payment of the calendar year must be adjusted to reflect each licensee's exotic wagers in proportion to the total of the exotic wagers at off-track betting facilities in that calendar year.

See title page for effective date.

CHAPTER 568

S.P. 541 - L.D. 1672

**An Act to Create the Washington
County Development Authority**

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

Sec. 1. 5 MRSA c. 379, sub-c. III, art. 2-A
is enacted to read:

ARTICLE 2-A

**WASHINGTON COUNTY DEVELOPMENT
AUTHORITY**

**§13083-A. Washington County Development
Authority established**

The Washington County Development Authority is established as a body corporate and politic and a public instrumentality of the State to carry out the provisions of this article. The authority is authorized to take title, acquire and manage in the name of the State and by agreement with the Federal Government the property located within the geographical boundaries of any decommissioned federal military facility located within Washington County.

§13083-B. Definitions

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

1. Authority. "Authority" means the Washington County Development Authority.

2. Base area. "Base area" means the area within the geographical boundaries of any decommissioned

federal military facility located within Washington County to which the authority has taken title.

3. Primary impact community. "Primary impact community" means the municipalities of Cutler, Machias, East Machias, Eastport, Lubec, Whiting and Dennysville.

4. Readjustment or reuse. "Readjustment" or "reuse" means an alternative use of the base area from its use as a military installation.

5. Real or personal property. "Real or personal property" means any property or assets transferred by the Federal Government or the United States Department of Defense pursuant to the closure of a federal military installation located in Washington County.

§13083-C. Washington County Development Authority; powers; membership; obligations

1. Powers. The authority is a public municipal corporation and may:

A. Sue and be sued;

B. Adopt bylaws or regulations consistent with this article for the governance of its affairs;

C. Exercise all of the general powers of corporations under Title 13-A, section 202;

D. Accept from the Federal Government and dispose of by lease, sale or transfer the real or personal property located within the geographical boundaries of a decommissioned federal military facility located within Washington County;

E. Apply for and accept grants from private and public entities to provide necessary funding for the activities of the authority and to carry out the purposes of this article;

F. Contract with the Federal Government or its instrumentalities or agencies; this State or its agencies, instrumentalities or municipalities; public bodies; and private corporations, partnerships, associations and individuals to carry out the purposes of this article;

G. Adopt rules pursuant to the Maine Administrative Procedure Act. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A; and

H. Take all other lawful action necessary and incidental to the powers under this subsection.

2. Membership; appointment. The authority is governed by a board of trustees composed of 9 voting members appointed or designated by the Governor.

A. The Governor shall make 8 appointments to the board of trustees, 6 of which must be from a pool of candidates who are residents of Washington County and are nominated by the primary impact communities. The Governor shall appoint members who reflect the diversity of interests represented by these communities.

B. The Governor shall designate a commissioner of a department of State Government to be a voting, ex officio member of the board of trustees.

The 8 appointed members are subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic development matters and to confirmation by the Senate.

3. Terms. Trustees are appointed for 4-year terms, except that, for initial appointments, one trustee is appointed to a one-year term, 2 trustees to 2-year terms, 2 trustees to 3-year terms and 3 trustees to 4-year terms. The commissioner designated pursuant to subsection 2, paragraph B serves at the pleasure of the Governor. A trustee continues to hold office until a successor is appointed and qualified, but the term of the successor is not altered from the original expiration date of that term.

4. Quorum. Five members constitute a quorum. Five affirmative votes are required for the board of trustees to take action.

5. Liability. The liability of the authority is governed by the Maine Tort Claims Act, Title 14, chapter 741. Trustees are not subject to any personal liability for having acted in the service of their duty as board members of the authority.

6. Expenses. A trustee is not entitled to receive compensation for services to the authority but is entitled to receive reimbursement for necessary expenditures, including travel expenses, incurred in carrying out those services if the authority has available funds to reimburse such expenses.

7. Officers; temporary agents. The trustees shall elect a chair and vice-chair from among their members. The authority may contract with technical experts and other temporary agents that it requires if the authority has available funds to reimburse such experts and agents for their services. For required legal services, the authority may retain its own legal counsel.

§13083-D. Property of authority

The authority may lease, sell or transfer property or interests in property to a local development corporation or other entity determined by the trustees to be eligible to take ownership and possession of the property or interests in property to accomplish the readjustment or reuse of the facilities.

§13083-E. Termination of authority

The authority is not dissolved until it is terminated by the Legislature.

§13083-F. Annual report

1. Annual report. The authority shall submit to the Governor, the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over business and economic development matters, not later than 120 days after the close of the authority's fiscal year, a complete report on the activities of the authority. The report may also be provided to any other member of the Legislature and to any other person. The report must include for the previous year:

- A. A description of the authority's operations and activities;
- B. An accounting of the authority's receipts and expenditures and assets and liabilities at the end of its fiscal year;
- C. A listing of all property transactions pursuant to section 13083-D;
- D. A statement of the authority's proposed and projected activities for the ensuing year; and
- E. Recommendations regarding further actions that may be suitable for achieving the purposes of this article.

See title page for effective date.

CHAPTER 569

S.P. 217 - L.D. 782

An Act to Define Undisputed Claims for Covered Health Insurance Benefits

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

Sec. 1. 24-A MRSA §2436, sub-§2-A is enacted to read:

2-A. For purposes of this section, an "undisputed claim" means a timely claim for payment of covered health care expenses under a policy or certificate

providing health care coverage that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes with all the required fields completed with correct and complete information in accordance with the insurer's published claims filing requirements. This subsection applies only to a policy or certificate of a health plan as defined in section 4301-A, subsection 7.

See title page for effective date.

CHAPTER 570

S.P. 622 - L.D. 1804

An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State

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

Sec. 1. 24-A MRSA §6603, sub-§1, ¶¶B and D, as enacted by PL 1993, c. 688, §1, are amended to read:

B. ~~Must~~ Except for those associations meeting the criteria of subsection 1-A, must be established by a trade association, industry association, political subdivision of the State, religious organization or professional association of employers or professionals that has a constitution or bylaws and that has been organized and maintained in good faith for a continuous period of one year for purposes other than that of obtaining or providing insurance;

D. May not be offered, advertised or available to employers or other members of the public generally, except as allowed under subsection 1-A;

Sec. 2. 24-A MRSA §6603, sub-§1-A is enacted to read:

1-A. Eligibility based on geographic association. To meet the requirements for approval and to maintain a multiple-employer welfare arrangement, an arrangement based on geographic association:

A. ~~Must~~ be established by an association with a principal office in a location within a 40-mile radius of the principal place of business of eligible employers;

B. ~~Must~~ permit eligibility for an employer that has employed an average of 100 or fewer full-time employees during the preceding calendar year, more of whom are employed in this State than any other state, and for an employer that is a licensed nonprofit hospital if the employer or