

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

Sec. 1. 12 MRSA §7077, sub-§1-B, ¶A, as enacted by PL 1993, c. 136, §1, is amended to read:

A. Introducing fish into inland waters without a permit in violation of section 7371, subsection 3 as it applies to section 7202, subsection 1; section 7203, subsection 1; section 7204, subsection 1; and section 7206;

Sec. 2. 12 MRSA §7077, sub-§1-B, ¶B-1 is enacted to read:

B-1. Possessing fish in violation of section 7604-A;

Sec. 3. 12 MRSA §7604-A is enacted to read:

§7604-A. Illegal possession of live fish

Except as otherwise provided in this Part, any fish legally taken from inland waters pursuant to this Part, except baitfish and smelts, must be immediately released alive into the waters from which it was taken or must be killed at once. Any fish killed pursuant to this section becomes part of the daily bag limit.

Sec. 4. 12 MRSA §7901-A, sub-§5, ¶A, as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

A. Failure to have license or permit as described in section 7371, subsection 3, as it applies to section 7202, subsection 1; section 7203, subsection 1; section 7204, subsection 1; and section 7206 is a Class E crime, except that, notwithstanding Title 17-A, section 1301, the fine may not be less than \$1,000 nor more than \$10,000.

Sec. 5. 12 MRSA §7901-A, sub-§10, ¶B is enacted to read:

B. Possession of fish in violation of section 7604-A is a Class E crime.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 23, 2003.

CHAPTER 492

H.P. 27 - L.D. 20

**An Act to Extend the Authority of
the Health Care System and Health
Security Board**

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

Sec. 1. PL 2001, c. 439, Pt. ZZZ, §1, sub-§1, first ¶ is amended to read:

1. Board established. The Health Care System and Health Security Board, referred to in this section as the "board," consists of ~~19~~ 20 members as follows:

Sec. 2. PL 2001, c. 439, Pt. ZZZ, §1, sub-§1, ¶¶D and E are amended to read:

D. Two members ~~of the House of Representatives~~ appointed by the Speaker of the House of Representatives who are serving in the House of Representatives at the time of their appointment with preference to members of the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over banking and insurance matters;

E. Two members ~~of the Senate~~ appointed by the President of the Senate who are serving in the Senate at the time of their appointment with preference to members of the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over banking and insurance matters;

Sec. 3. PL 2001, c. 439, Part ZZZ, §1, sub-§1, ¶G is amended to read:

G. A representative of each of the following, appointed by the Speaker of the House:

- (1) A statewide organization that represents Maine senior citizens;
- (2) A statewide labor organization;
- (3) A statewide organization of nurses;
- (4) Large hospitals in the State;
- (5) The business community; ~~and~~
- (6) An organization representing the self-employed; ~~and~~
- (7) The public.

Sec. 4. PL 2001, c. 439, Pt. ZZZ, §1, sub-§§2 and 3 are amended to read:

2. Chairs. The first-named Senate member is the Senate chair and the first-named House member is

the House chair of the board. The Senate and House chairs may continue to serve until successors are appointed.

3. Appointments; convening board. All appointments must be made no later than 30 days following the effective date of this Part. Appointed members may continue to serve until their successors are appointed. The chairs shall call and convene the first meeting of the board within 30 days of completion of all appointments. The board may hold up to 4 meetings after June 30, 2003, all of which must be in the Augusta area.

Sec. 5. PL 2001, c. 439, Pt. ZZZ, §1, sub-§§6 to 9 are amended to read:

6. Staff assistance. The board may contract with and retain staffing and technical assistance from a health policy organization. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis may provide necessary staffing services to the board.

7. Funding. The board may seek and accept outside funding through the public or private sector to advance its work and support its activities. Funds may not be appropriated from the General Fund to support any activity of the board, nor may expenses exceed available funding.

8. Compensation. Those members of the board who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings of the board. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at meetings of the board.

9. Report. Based on its review, the board shall develop recommendations regarding the implementation of a single-payor plan to provide health care coverage to all citizens of this State and shall submit its final report, together with any necessary implementing legislation, ~~to the Second Regular Session of the 120th Legislature by March 1, 2002 for presentation to the First Regular Session of the 122nd Legislature by November 1, 2004. If the board requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.~~ The board shall submit an interim report, together with any implementing legislation, to the First Regular Session of the 121st Legislature by January 15, 2003. Upon submission of the final

report, the board may not take further action unless further action is authorized by law.

Sec. 6. Appropriations and Allocations. The following appropriations and allocations are made.

LEGISLATURE

Health Care System and Health Security Board

Initiative: Provides an allocation of Other Special Revenue funds for expenses of the board.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$1,100	\$0
All Other	5,202	0
Other Special Revenue Funds Total	\$6,302	\$0

Sec. 7. Retroactivity. This Act is retroactive to September 21, 2001.

See title page for effective date.

CHAPTER 493

S.P. 437 - L.D. 1346

An Act To Protect Workers from Secondhand Smoke and To Promote Worker Safety

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

Sec. 1. 8 MRSA §275-D, sub-§1, as amended by PL 1999, c. 421, §1, is further amended to read:

1. Off-track betting on simulcast racing. A person may conduct pari-mutuel wagering at an off-track betting facility that is licensed under this section, if the person is licensed to operate a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, or a Class A restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1, ~~or an off track betting facility as defined in Title 28 A, section 2, subsection 15, paragraph R-2.~~

Sec. 2. 22 MRSA §1541, sub-§4, as amended by PL 1999, c. 54, §1, is further amended to read:

4. Public place. "Public place" means any place, ~~including a restaurant,~~ not open to the sky into which the public is invited or allowed. Except as