

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

provided in section 1542, subsection 2, paragraph J, a private residence is not a public place.

Sec. 3. 22 MRSA §1541, sub-§5, as repealed and replaced by PL 1999, c. 54, §2, is repealed.

Sec. 4. 22 MRSA §1542, sub-§2, ¶G, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed.

Sec. 5. 22 MRSA §1542, sub-§2, ¶N is enacted to read:

N. Smoking is not prohibited in designated smoking areas in an off-track betting facility or simulcast racing facility at a commercial track, if that facility is licensed pursuant to Title 8, chapter 11 and in operation on June 30, 2003, as long as:

(1) No sales or services are provided in the designated smoking area, except that television equipment and stand-alone betting terminals or other means of placing wagers may be provided;

(2) No employees work in or are required to pass through the designated smoking area;

(3) Members of the public, except for those who choose to be present in the designated smoking area, are not required to utilize or pass through the designated smoking area for any purpose; and

(4) No one under 18 years of age is permitted in the designated smoking area.

Sec. 6. 22 MRSA §1542, sub-§3, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed.

Sec. 7. 28-A MRSA §2, sub-§15, ¶¶R-2 and R-3, as enacted by PL 1999, §421, §3, are repealed.

Sec. 8. 28-A MRSA §1011-A, sub-§3, as amended by PL 1999, c. 421, §§4 and 5, is further amended to read:

3. Eligible premises. The following premises are eligible for a Class XI license:

A. Class A restaurant/lounge; ~~and,~~

B. ~~Off-track betting facilities.~~

Sec. 9. 28-A MRSA §1051, sub-§2, as amended by PL 1999, c. 421, §6, is further amended to read:

2. Local approval of application for license.

~~Except for licenses issued pursuant to section 1063-A, the~~ The initial application for the license must first be approved under section 653 by the municipal officers of the municipality in which the applicant's premises are located or, if the premises are located in an unincorporated place, the application must be approved by the county commissioners of the county within which the unincorporated place is located.

Sec. 10. 28-A MRSA §1063-A, as enacted by PL 1999, c. 421, §7, is repealed.

Sec. 11. 28-A MRSA §1063-B, sub-§§2 and 3, as enacted by PL 1999, c. 760, §4, are repealed.

Sec. 12. 28-A MRSA §1065, sub-§4, as amended by PL 1999, c. 568, §2, is further amended to read:

4. Minors not allowed on premises. Minors are not permitted to remain on the premises except when:

A. The minor is accompanied by a parent, legal guardian or custodian as defined in Title 22, section 4002; or

B. The licensee does not permit consumption of liquor on the premises for a specific period of time or event; ~~or,~~

C. ~~Wagering on harness horse racing is being conducted in accordance with Title 8, chapter 11 and the minor is at least 18 years of age.~~

Sec. 13. Transfer. Notwithstanding any other provision of law, the State Controller shall transfer \$243,750 from the Fund for a Healthy Maine Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2004.

Sec. 14. Effective date. This Act takes effect January 1, 2004.

Effective January 1, 2004.

CHAPTER 494

S.P. 590 - L.D. 1634

An Act To Improve the Maine Rx Program

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