

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 TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

5. Effect on tort claims. Nothing in this section increases any liability that may arise or be limited under Title 14, chapter 741.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Emergency Medical Services 0485

Initiative: Provides funds for a staff position to assist the Emergency Medical Services' Board in implementing certification requirements.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
POSITIONS		-
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$58,736	\$76,356
All Other	\$17,668	\$23,550
OTHER SPECIAL REVENUE FUNDS TOTAL	\$76,404	\$99,906
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$76,404	\$99,906
DEPARTMENT TOTAL - ALL FUNDS	\$76,404	\$99,906

PUBLIC UTILITIES COMMISSION

Emergency Services Communication Bureau 0994

Initiative: Provides funds for emergency medical dispatch training costs and other required expenses.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$67,600	\$27,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$67,600	\$27,500
PUBLIC UTILITIES COMMISSION DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$67,600	\$27,500
DEPARTMENT TOTAL - ALL FUNDS	\$67,600	\$27,500
SECTION TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$144,004	\$127,406
SECTION TOTAL - ALL FUNDS	\$144,004	\$127,406

See title page for effective date.

CHAPTER 304

S.P. 370 - L.D. 1053

An Act To Protect Maine Harness Racing from Illegal Wagering

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

Sec. 1. 8 MRSA §300-A is enacted to read:

§300-A. Illegal wagering

1. Illegal wagering on harness races. A person is liable for the damages specified in this section if that person accepts a wager concerning harness racing from a person located within this State unless the person accepting the wager is licensed to do so under this chapter.

2. Right of action. A commercial licensee under section 271 may bring an action in Superior Court against a person who has accepted an illegal wager described in subsection 1. The court shall award damages to the prevailing plaintiff and the commission, as provided in subsection 4, in an amount equal to 25% of the monetary amount of illegal wagers accepted, including illegal wagers accepted as described in subsection 1, plus reasonable attorney's fees and costs.

3. Punitive damages. If a person accepting an illegal wager described in subsection 1 has been advised in writing of the provisions of this section either by the Attorney General or by a commercial track licensed under this chapter before accepting any such wager, then the person accepting the illegal wager, in addition to all other damages authorized under this section, is liable in an amount of up to 4 times the damages awarded under subsection 2 that the court determines are appropriate given the willfulness of the violation, any mitigating circumstances, any efforts by the person who accepted the wager to comply with Maine law, the need to deter acceptance of illegal wagers and all other relevant circumstances.

4. Distribution of damages. Damages awarded under this section must be distributed as follows.

A. Reasonable costs of bringing the action, including reasonable attorney's fees and costs, must be paid to the plaintiff.

B. All other damages awarded must be paid to the commission. The commission shall distribute the damages it receives as follows:

(1) One fourth must be deposited to the extended meet account established under section 289, subsection 2;

(2) One fourth must be deposited to the fund to supplement harness racing purses established under section 298;

(3) One fourth must be deposited to the Fund to Encourage Racing at Maine's Commercial Tracks, established under section 299; and

(4) One fourth must be deposited to the Fund to Stabilize Off-track Betting Facilities, established under section 300.

See title page for effective date.

CHAPTER 305

H.P. 887 - L.D. 1290

An Act To Improve Funding for Telecommunications Relay Services

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

Sec. 1. 35-A MRSA §7104, sub-§5, as enacted by PL 2003, c. 553, Pt. A, §4, is amended to read:

5. Funds for Communication Equipment Fund. The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A. ~~In addition to its authority under subsection 3, the commission may require contributions to the state universal service fund in an amount sufficient to collect the \$85,000.~~

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional amounts as long as: \$37,500.

~~A. The total transfer in any year does not exceed \$122,500; and~~

~~B. Any amount in any year in excess of \$85,000 is drawn from funds otherwise available in the universal service fund. The commission is not authorized to require contributions to the state universal service fund for the purposes of this subsection in order to collect any amount in excess of \$85,000 in any year.~~

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection.

Sec. 2. 35-A MRSA §7104, sub-§7 is enacted to read:

7. Telecommunications relay services support. In order to ensure the affordability of telecommunications relay services throughout the State, the commission shall establish funding support for telecommunications relay services, including related outreach programs, within the state universal service fund established pursuant to subsection 3.

A. In establishing the total level of support for the state universal service fund, the commission shall include funding levels for telecommunications relay services as recommended by the Telecommunications Relay Services Advisory Council, as established in section 8704, unless the commission determines, upon its own motion or upon the request of a provider of intrastate telecommunications services, that the recommended funding levels may be unreasonable. If the commission determines that the funding levels may be unreasonable, the commission shall open a proceeding to determine a reasonable funding level for telecommunications relay services, including related outreach programs. Upon the conclusion of the proceeding, the commission shall establish funding support for telecommunications relay services, including related outreach programs, that it has found to be reasonable within the state universal service fund. The commission shall require contributions to the state universal service fund on a quarterly basis to meet the established funding support levels.

B. In determining reasonable funding levels for telecommunications relay services, including related outreach programs, the commission may consider whether the recommended funding is for telecommunications relay services, including related outreach programs, that are:

- (1) Federally required services;
- (2) Services provided in other states with a similar deaf, hard-of-hearing and speech impaired population as this State; or
- (3) Services that are designed to maximize the effectiveness of telecommunications relay services through the application of new technologies.

Sec. 3. 35-A MRSA §8703, sub-§7, as enacted by PL 1989, c. 851, §7, is amended to read: