

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

dentistry may not enter into arrangements with a person who is not licensed to practice dentistry, with the exception of licensed denturists, or the legal guardian or personal representative of a deceased or incapacitated dentist, pursuant to the provisions of Title 13, section 732.

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

Effective June 4, 2007.

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**CHAPTER 211**  
**H.P. 991 - L.D. 1408**

**An Act Concerning Harness  
Racing Association Funding**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, a statewide association of horsemen is vital to the health of the harness racing industry; and

**Whereas**, the timely distribution of funds to the association is important for the coming racing season; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 8 MRSA §272-B**, as enacted by PL 2003, c. 401, §9, is repealed and the following enacted in its place:

**§272-B. Association funding**

Notwithstanding any other provision of this chapter, up to 3% of funds designated to supplement purses may be paid to a statewide association of horsemen in accordance with this section. A statewide association of horsemen, referred to in this section as "the association," means an association of horsemen whose officers are authorized by the membership to negotiate with a person licensed to conduct racing under section 271 on behalf of the association's membership.

**1. Payment from licensee to association.** A licensee described in section 271 shall pay to an association determined eligible under subsection 2 an amount not to exceed 3% of each of the following:

A. Disbursements from the Sire Stakes Fund under section 281 for the purpose of supplementing purses;

B. The purse supplement share calculated under section 286 for distribution under section 290;

C. The funds designated from the commercial meet account to supplement purses under section 287, subsection 2;

D. The funds designated from the extended meet account to supplement purses under section 289, subsection 2, paragraph B;

E. The fund to supplement harness racing purses established under section 298 and receiving payment pursuant to section 1036, subsection 2, paragraph B; and

F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91, subsection 2, paragraph A.

**2. Eligibility for disbursement.** To be eligible to receive funding under subsection 1, an association must submit to the commission the following:

A. A copy of the annual budget approved by a majority of the association's members present and voting at the annual business meeting of the association;

B. A letter signed by the officers of the association stating that a majority of association members present and voting in a separate vote at the annual meeting approved seeking funds under this section; and

C. A letter signed by the officers of the association indicating the date on which the votes referenced in paragraphs A and B were taken and attesting that the votes were taken in accordance with the association's bylaws.

**3. Limitations.** An association receiving payments under this section may not expend any portion of the payments for an item that did not appear in the association's budget approved by its members and submitted under subsection 2.

**4. Payment.** Each year, upon receipt and verification of the information required under subsection 2, the commission shall advise licensees of the maximum amount payable to the association under subsection 1. Total payments made each year to the association under this section may not exceed the association's budget for that year.

**5. Rulemaking.** The commission may adopt rules necessary to establish a process for calculating and disbursing funds under this section. The rules may include a process for recovery of funds received or expended in noncompliance with this section. Rules adopted under this subsection are routine tech-

nical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 2007.

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

Effective June 4, 2007.

**CHAPTER 212**

**H.P. 992 - L.D. 1409**

**An Act To Make Technical Changes to Maine's Aquaculture Statutes**

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

**Sec. 1. 12 MRSA §6071-A** is enacted to read:

**§6071-A. Definitions**

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

**1. Intertidal zone.** "Intertidal zone" means the shores, flats or other land between the high and mean low water mark.

**Sec. 2. 12 MRSA §6072-C, sub-§3,** as enacted by PL 1999, c. 567, §2, is amended to read:

**3. Eligibility.** A limited-purpose aquaculture license may be issued only to an individual or to a municipal shellfish management committee established pursuant to section 6671 and is a resident license.

**Sec. 3. 12 MRSA §6073, sub-§2-B** is enacted to read:

**2-B. Marking.** In the coastal waters of the State, a person may not mark or designate an area as a sea farm, aquaculture lease or other similar designation unless that area is currently leased for aquaculture or is under consideration by the department for a lease through the aquaculture lease application process.

**Sec. 4. 12 MRSA §6082** is enacted to read:

**§6082. Confidentiality provisions for aquaculture information from other jurisdictions**

Information obtained from other state, federal or foreign government agencies about aquaculture operations in other states, foreign countries or the exclusive economic zone that is designated as confidential by the jurisdiction from which it is obtained and that must remain confidential as a condition of receipt must be kept confidential by the department. Such information is not a public record as defined in Title 1, section 402,

subsection 3. This section does not apply to aquaculture operations conducted in Maine.

See title page for effective date.

**CHAPTER 213**

**H.P. 1036 - L.D. 1474**

**An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance**

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

**Sec. 1. 29-A MRSA §1605, sub-§1, ¶C,** as amended by PL 1997, c. 176, §5 and affected by §8, is further amended to read:

C. Be in the amount or limit of at least:

- (1) For damage to property, \$25,000;
- (2) For injury to or death of any one person, \$50,000;
- (3) For one accident resulting in injury to or death of more than one person, \$100,000; and
- (4) For medical payments pursuant to section 1605-A, ~~\$1,000~~ **\$2,000**.

**Sec. 2. 29-A MRSA §1605-A,** as amended by PL 1997, c. 776, §40, is further amended to read:

**§1605-A. Medical payments**

A motor vehicle liability policy issued for a motor vehicle registered or principally garaged in this State must provide coverage in an amount equal to or greater than ~~\$1,000~~ **\$2,000** per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in that vehicle. The coverage required by this section only applies to medical costs incurred during one year following the date the injuries are sustained. This section does not apply to a policy insuring more than 4 motor vehicles, nor to any policy covering a garage, automobile sales agency, repair shop, service station or public parking place.

**Sec. 3. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2008. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.