

# 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-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

---

---

**Augusta, Maine**  
**2009**

party or parties within 30 days of the date of issuance of the commission award.

See title page for effective date.

## CHAPTER 266

### S.P. 346 - L.D. 924

#### An Act To Clarify the Taxability of Promotional Credits in the State Gaming Laws

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

**Whereas**, tourism is a significant segment of the State's economy; and

**Whereas**, any promotion or encouragement that will bring tourists to the State is of benefit to that segment of the State's economy; 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 §1001, sub-§36-A** is enacted to read:

**36-A. Promotional credit.** "Promotional credit" means any noncashable electronic thing of value used solely to play a slot machine that is provided by a slot machine operator to customers and approved by the Gambling Control Board. Promotional credits played by slot machine customers have no value attributed to their use for purposes of calculating gross slot machine income, net slot machine income and payback percentage.

**Sec. 2. 8 MRSA §1003, sub-§3, ¶J**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

J. Gambling-related advertising and marketing programs, including the use of a promotional credit; and

**Sec. 3. 8 MRSA §1032-A** is enacted to read:

#### **§1032-A. Promotional credit calculation**

Cash prizes, winnings or credits that are received as a result of redeeming promotional credits and are used to play a slot machine are considered gross slot

machine income for the purposes of allocation under section 1036.

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

Effective June 4, 2009.

## CHAPTER 267

### H.P. 650 - L.D. 947

#### An Act To Amend the Laws To Ensure Equity in the Judicial Retirement Program

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

**Sec. 1. 4 MRSA §1302, sub-§3**, as amended by PL 2007, c. 491, §45, is further amended to read:

**3. State Employee and Teacher Retirement Program and Legislative Retirement Program service.** Creditable service as a member of the State Employee and Teacher Retirement Program or the Legislative Retirement Program must be allowed as creditable service of the Judicial Retirement Program as follows.

A. Any member who has not withdrawn that member's accumulated contributions with the State Employee and Teacher Retirement Program may, upon appointment as a judge, have that member's State Employee and Teacher Retirement Program contributions and membership service transferred to that member's account with the Judicial Retirement Program and all creditable service resulting from membership in the State Employee and Teacher Retirement Program is creditable service in the Judicial Retirement Program.

All funds in the State Employee and Teacher Retirement Program contributed by the employer on account of employment are transferred to the Judicial Retirement Program and must be used to liquidate the liability incurred by reason of that member's previous employment. The State shall make such contributions, from time to time, as may be necessary to provide the benefits under the Judicial Retirement Program for the member as have accrued to the member by reason of the member's previous employment and may accrue to the member by reason of membership in the Judicial Retirement Program.

A-1. Any member who has not withdrawn that member's accumulated contributions with the Legislative Retirement Program may, upon appointment as a judge, elect to have that member's Legislative Retirement Program contributions and

membership service transferred to that member's account with the Judicial Retirement Program and have all creditable service resulting from membership in the Legislative Retirement Program count as creditable service in the Judicial Retirement Program. The member must pay an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit that results from inclusion of the creditable service in the Legislative Retirement Program as creditable service in the Judicial Retirement Program.

All funds in the Legislative Retirement Program contributed by the employer on account of the member's previous membership in the Legislative Retirement Program are transferred to the Judicial Retirement Program and must be used to liquidate the liability incurred by reason of that member's previous membership.

B. Any member who has withdrawn that member's accumulated contributions from the State Employee and Teacher Retirement Program or the Legislative Retirement Program may, subsequent to appointment as a judge and prior to the date any retirement allowance becomes effective for that member, deposit in the fund by a single payment or by an increased rate of contribution an amount equal to the accumulated contributions withdrawn by that member together with interest at 2% greater than regular interest from the date of withdrawal to the date of repayment. If repayment is made in installments, interest continues to accrue on the outstanding balance. The member is entitled to all creditable service that the member acquired during previous membership. In the event any retirement allowance becomes effective before repayment is completed, the member is entitled to credit for that portion of the total of the previous creditable service which the total amount of payments actually made bears to the total amount, including interest at 2% greater than regular interest from the date of withdrawal to the date the retirement allowance becomes effective.

D. A person may not receive benefits under both the Judicial Retirement Program and the State Employee and Teacher Retirement Program or the Legislative Retirement Program based upon the same period of service.

See title page for effective date.

## CHAPTER 268

### H.P. 824 - L.D. 1200

#### An Act To Streamline the Process for Court-ordered Mental Health Examinations in Criminal Cases

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

**Sec. 1. 15 MRSA §101-B**, as amended by PL 2001, c. 634, §1 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed.

**Sec. 2. 15 MRSA §101-C, sub-§1**, as enacted by PL 1987, c. 402, Pt. A, §109, is amended to read:

**1. Written demand for records.** When a person or entity has been ordered to perform an examination or evaluation pursuant to section ~~401-B~~ 101-D, and the person to be examined has sought the examination, joined in a request or order for the examination or has entered a plea of not criminally responsible by reason of insanity, that person may make written demand upon any individual, partnership, association, corporation, institution or governmental entity to produce the records or copies of the records, in whatever medium preserved, of the subject of the examination or evaluation.

**Sec. 3. 15 MRSA §101-D** is enacted to read:

#### **§101-D. Mental examination of persons accused of crime**

**1. Competency to proceed.** The court may for cause shown order that the defendant be examined to evaluate the defendant's competency to proceed as provided in this subsection.

A. Upon motion by the defendant or by the State, or upon its own motion, a court having jurisdiction in any criminal case may for cause shown order that the defendant be examined by the State Forensic Service for evaluation of the defendant's competency to proceed. When ordered to evaluate a defendant under this paragraph, the State Forensic Service shall promptly examine the defendant and report its initial determination regarding the defendant's competency to proceed to the court. If, based upon its examination, the State Forensic Service concludes that further examination is necessary to fully evaluate the defendant's competency to proceed, the report must so state and must set forth recommendations as to the nature and scope of any further examination. The court shall forward any report filed by the State Forensic Service to the defendant or the defendant's attorney and to the attorney for the State.

B. If the defendant is incarcerated, the examination ordered pursuant to paragraph A must take