

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

ized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action.

See title page for effective date.

**CHAPTER 142
S.P. 153 - L.D. 561**

An Act To Clarify Certain Provisions in the Harness Racing 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, the harness racing season has already begun for the year 2011; and

Whereas, provisions that promote and support the harness racing industry are beneficial to the economy and the preservation of agricultural traditions in the State; 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 §275-B, sub-§1, as amended by PL 2003, c. 401, §11, is further amended to read:

1. Racetracks. A person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting may sell pari-mutuel pools and common pari-mutuel pools for simulcast races. The seller must be within the enclosure of the racetrack where the licensed race or race meet is conducted or within

the licensee's slot machine facilities licensed pursuant to section 1011.

Sec. 2. 8 MRSA §275-C, sub-§1, as enacted by PL 1997, c. 390, §1, is amended to read:

1. Authority. A person authorized to sell pari-mutuel pools on horse racing may sell common pari-mutuel pools for simulcast races. The sale must be conducted within the enclosure of the licensee's race-track, at the licensee's slot machine facilities licensed pursuant to section 1011 or at the licensee's off-track betting facility.

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

Effective May 25, 2011.

**CHAPTER 143
S.P. 323 - L.D. 1090**

An Act To Allow a Stay of an Administrative License Suspension for Refusal To Submit to a Test

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

Sec. 1. 29-A MRSA §2483, sub-§4-A is enacted to read:

4-A. Stay after failure to submit to test. When a hearing is requested by a petitioner under this section and the petitioner is not entitled to a stay of the suspension pending the hearing due to failure to submit to a test at the request of a law enforcement officer, if the hearing is postponed or otherwise continued by a person other than the petitioner or a cause not attributable to the petitioner, the suspension must be stayed until a hearing is held and a decision is issued. A stay does not apply during a delay caused or requested by the petitioner.

See title page for effective date.

**CHAPTER 144
H.P. 461 - L.D. 631**

An Act To Update the Radon Registration Act

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

Sec. 1. 22 MRSA §772, sub-§3, as enacted by PL 1989, c. 657, §1 and amended by PL 2003, c. 689,