

# 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.**

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**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.

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**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 racetrack, 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.

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**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.

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**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,

Pt. B, §6, is repealed and the following enacted in its place:

**3. Division.** "Division" means the division of environmental health within the Department of Health and Human Services.

**Sec. 2. 22 MRSA §775,** as enacted by PL 1989, c. 657, §1, is amended to read:

**§775. Radon mitigation; registration required**

A person may not offer advice or plans to reduce the level of radon in new or existing structures or contract to modify an existing structure in a manner intended to reduce the level of radon unless registered with the division.

**Sec. 3. 22 MRSA §776, sub-§2,** as enacted by PL 1989, c. 657, §1, is amended to read:

**2. New construction.** A builder utilizing preventive or safeguarding measures in new construction as recommended in "~~Radon resistant Residential New Construction~~" EPA/60018-881087 published by the United States Environmental Protection Agency or an equivalent publication as determined by the department specified in the Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103;

See title page for effective date.

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**CHAPTER 145**

**H.P. 566 - L.D. 759**

**An Act To Increase Efficiency and Effectiveness in the Licensing of Certain Health and Human Services Providers**

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

**Sec. 1. 5 MRSA §20024,** as amended by PL 1991, c. 850, §5, is further amended by adding at the end a new paragraph to read:

A treatment facility or program that receives and maintains accreditation from a national accrediting body approved by the department must be deemed in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this paragraph in response to a complaint against the facility or program.

**Sec. 2. 22 MRSA §7801, sub-§6** is enacted to read:

**6. National accreditation.** A person, firm, corporation or association operating a program or facility described under subsection 1 that receives and maintains accreditation from a national accrediting body approved by the department must be deemed in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this subsection in response to a complaint against the program or facility.

**Sec. 3. 34-B MRSA §1203-A, sub-§8** is enacted to read:

**8. National accreditation.** An agency or facility required to obtain a license under this section that receives and maintains accreditation from a national accrediting body approved by the department must be deemed in compliance with comparable state licensing rules upon its submission to the department of written evidence of compliance including, but not limited to, national accreditation approval, reports, findings and responses. The department may review compliance under this subsection in response to a complaint against the agency or facility.

See title page for effective date.

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**CHAPTER 146**

**H.P. 748 - L.D. 1012**

**An Act To Require a Mortgagee To Provide the Original Release of Mortgage to the Mortgagor after the Release Is Recorded**

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

**Sec. 1. 33 MRSA §551, 2nd ¶,** as enacted by PL 1999, c. 230, §1 and affected by §2, is amended to read:

Within 60 days after full performance of the conditions of the mortgage, the mortgagee shall record a valid and complete release of mortgage together with any instrument of assignment necessary to establish the mortgagee's record ownership of the mortgage. Within 30 days after receiving the recorded release of the mortgage from the registry of deeds, the mortgagee shall send the release by first class mail to the mortgagor's address as listed in the mortgage agreement or to an address specified in writing by the mortgagor for this purpose. As used in this paragraph, the term "mortgagee" means both the owner of the mortgage at the time it is satisfied and any servicer who receives the final payment satisfying the debt. If a release is