

# 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**

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

Effective June 13, 2011.

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**CHAPTER 325**

**H.P. 718 - L.D. 974**

**An Act To Revise the Laws on  
Tournament Games**

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

**Sec. 1. 17 MRSA §1836, first ¶,** as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

~~The Chief of the State Police may issue a license to conduct a tournament game as provided in under this section to an organization eligible to conduct beano games under chapter 13-A and games of chance under this chapter to conduct up to 2 tournament games per month. For purposes of this section, "tournament game" means a game of chance played using a deck of cards with rules similar to poker or other card games. The Chief of the State Police may not issue a tournament game license to an organization more than once per month.~~

**Sec. 2. 17 MRSA §1836, sub-§3,** as enacted by PL 2009, c. 487, Pt. A, §2, is repealed.

**Sec. 3. 17 MRSA §1836, sub-§3-A** is enacted to read:

**3-A. License.** The license fees for tournament game licenses are as follows:

A. For tournament games that do not exceed 100 players:

- (1) One hundred fifty dollars per tournament license;
- (2) Two hundred fifty dollars for a monthly license; and
- (3) Three thousand dollars for an annual license; and

B. For tournament games that exceed 100 players:

- (1) Three hundred dollars for a tournament game with 101 to 150 players;
- (2) Four hundred dollars for a tournament game with 151 to 200 players;
- (3) Five hundred dollars for a tournament game with 201 to 250 players; and
- (4) Six hundred dollars for a tournament game with 251 to 300 players.

**Sec. 4. 17 MRSA §1836, sub-§4,** as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

**4. Tournament.** The organization licensed to conduct a tournament game under this section shall display the rules of the tournament game and the license issued. The maximum number of players allowed is 100 unless the tournament game is held on premises owned by the licensee, in which case the maximum number of players allowed is 300. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament game play. The maximum entry fee to play in the tournament game is \$100, except the organization may add to the player entry fee to defray the cost of the license fee, as long as the total additional amount collected from all players does not exceed ~~\$200~~ \$125. An organization that holds a per tournament license may collect up to \$150 to defray the cost of the license fee. Only one entry fee is permitted per person. A tournament game must be completed within 48 hours. Other games of chance on the premises are prohibited during a tournament game, except for lucky seven or similar sealed tickets and no more than one 50/50 raffle per tournament with a prize value up to \$1,000. This subsection does not prohibit a licensee from conducting one winner-take-all hand per tournament game with a bet limit of \$5. The total number of bets received in a winner-take-all round must be awarded to the winner or in the case of multiple winners divided among them as evenly as possible. All prizes awarded in accordance with this subsection must be paid in cash.

**Sec. 5. 17 MRSA §1836, sub-§6,** as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

**6. Cost of administration; surplus.** The Chief of the State Police may retain, from license fees collected in accordance with subsection ~~3~~ 3-A, only an amount necessary to defray the costs of administering this section. All fees collected in excess of the amount necessary to defray the costs of administration must be allocated as follows:

- A. Forty percent to the Fractionation Development Center; and
- B. Sixty percent to the General Fund.

See title page for effective date.

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**CHAPTER 326**

**H.P. 1036 - L.D. 1410**

**An Act To Amend the Maine  
Administrative Procedure Act**

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

**Sec. 1. 5 MRSA §8053, sub-§6**, as amended by PL 2009, c. 256, §3, is further amended to read:

**6. Electronic publication.** In addition to the printed publication required in subsection 5, the Secretary of State shall maintain a publicly accessible website for posting the notices of all proposed and adopted rules. The contents of the notice for electronic publication are pursuant to subsection 3. An agency, on its publicly accessible website, shall either post its proposed and adopted rules or provide a link to the proposed or adopted rules posted on the Secretary of State's website. Notice of each rule-making proceeding must be published on the Secretary of State's website 17 to 24 days prior to the public hearing on the proposed rule or at least 30 days prior to the last date on which views and arguments may be submitted to the agency for consideration if no public hearing was scheduled.

See title page for effective date.

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**CHAPTER 327**

**H.P. 1071 - L.D. 1456**

**An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses**

**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 provisions of this Act must take effect immediately to ensure that the Department of Inland Fisheries and Wildlife has sufficient time to implement the changes in this Act to the complimentary licenses issued to Maine's federally recognized Indian tribes before the start of this year's hunting 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. 12 MRSA §10853, sub-§8**, as amended by PL 2007, c. 195, §1, is further amended to read:

**8. Members of federally recognized nation, band or tribe.** The commissioner shall issue a hunting, trapping and fishing license, including permits, stamps and other permission needed to hunt, trap and

fish, to a ~~Native American person~~, 10 years of age or older, who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that ~~Native American person~~ without any charge or fee if the ~~Native American person~~ presents a certificate certification from the respective reservation governor, or the Aroostook Micmac Council ~~or "Wesiget Sipu"~~ stating that the person described is a ~~Native American and a~~ an enrolled member of that a federally recognized nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit.

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

Effective June 14, 2011.

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**CHAPTER 328**

**H.P. 121 - L.D. 139**

**An Act To Reduce the Time Period after Which a Member Municipality May Petition To Withdraw from a Regional School Unit**

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

**Sec. 1. 20-A MRSA §1466, sub-§1**, as enacted by PL 2009, c. 580, §9, is amended to read:

**1. Petition.** ~~The Beginning January 1, 2012, the~~ residents of a municipality that has been a member of a regional school unit for at least ~~3 years~~ 30 months may petition to withdraw from the regional school unit in accordance with this subsection.

A. Ten percent of the number of voters in the municipality who voted at the last gubernatorial election must sign the petition to withdraw from the regional school unit.

B. At least 10 days before the special election called pursuant to this paragraph, the municipal officers of the municipality within the regional school unit shall hold a posted or otherwise advertised public hearing on the petition. The municipal officers shall call and hold a special election in the manner provided for the calling and holding of town meetings or city elections to vote on the withdrawal from the regional school unit.

C. The petition to withdraw from the regional school unit must be approved by secret ballot by a majority vote of the voters present and voting be-