

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

Augusta, Maine
2011

administrative, case management, medical and legal and other activities unique to the treatment of injured workers in the workers' compensation system.

7. **MaineCare reimbursement.** MaineCare must be paid 100% of any expenses incurred for the treatment of an injury of an employee under this Title.

Sec. 5. Rulemaking; report to Legislature. The Workers' Compensation Board shall adopt rules to establish a medical fee schedule addressing services provided by both individual health care practitioners and health care facilities no later than December 31, 2011. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The executive director of the board shall report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the establishment of the medical fee schedule required by Title 39-A, section 209-A no later than February 15, 2012.

See title page for effective date.

CHAPTER 339

S.P. 441 - L.D. 1427

An Act To Amend Seasonal Licenses for the Operation of Beano or Bingo Games

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

Sec. 1. 17 MRSA §315, as enacted by PL 1975, c. 307, §2, is repealed and the following enacted in its place:

§315. Seasonal licenses

Notwithstanding sections 314 and 319, the Chief of the State Police may issue up to 10 seasonal licenses to operate beano or bingo games in a calendar year, including those designed to attract players under 16 years of age, in bona fide resort hotels as long as the conditions prescribed by this section are met. For the purposes of this section, "resort hotel" means a full-service hotel facility that offers leisure or recreational activities such as golf, tennis, water sports or horseback riding.

1. Operated on-site. The beano or bingo games must be operated and conducted in those resort hotels by the management without profit and solely for the entertainment of registered guests or patrons of that resort hotel.

2. Player fee prohibited. A licensee under this section may not charge an entry fee or any fee to participate in a beano or bingo game.

3. Minors. Prizes awarded for the play of beano or bingo under this section must be nonmonetary and valued at less than \$10 and may be awarded to a single player no more than once every 24 hours. Notwithstanding section 319, a person under 16 years of age may be admitted to the playing area without an adult and may participate in the game as long as the game is not conducted in a room or area where alcoholic beverages are served. Beano or bingo games under this section may not be conducted with any other gambling activity, including games of chance under chapter 62. For purposes of this subsection, "nonmonetary prize" includes a credit for food served on the premises of the resort hotel.

The fee for a license issued pursuant to this section is \$10 and must be paid to the Treasurer of State to be credited to the General Fund. A hotel or liquor license of a resort hotel licensee may not be withheld because of the conducting by the resort hotel of beano or bingo games.

Nothing in this section permits the operation or conduct of beano or bingo games without a license.

See title page for effective date.

CHAPTER 340

H.P. 513 - L.D. 685

An Act To Support Farm Programs at Department of Corrections Facilities

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

Sec. 1. 34-A MRSA §1403, sub-§7, as enacted by PL 1983, c. 724, is amended to read:

7. Establishment of farm programs and gravel mining programs to support farm programs at correctional facilities. The commissioner may establish a farm program at each correctional facility for the purposes of producing agricultural and farm products and teaching prisoners and juvenile clients cultivation and gardening techniques. The commissioner may also establish a gravel mining program at any correctional facility sited on land that contains sufficient gravel for the purpose of supporting the farm programs.

A. Products from ~~those~~ farm programs shall under this subsection must be used by correctional facilities. If a surplus exists, it may be:

- (1) Sold or distributed to other state, county or local governmental entities;
- (2) Exchanged with other state, county or local governmental entities for services or other goods; ~~or~~

(3) Sold to or exchanged with private Maine businesses; or

(4) Sold to or exchanged with community agencies as defined in section 1206, subsection 1.

B. The revenue generated by the sale of ~~those~~ farm products ~~shall under this subsection~~ must be deposited in a special account. This account ~~shall~~ does not lapse at the end of a fiscal year but ~~may~~ must be carried forward from year to year. ~~If the amount in the fund exceeds \$100,000, the excess in the account shall be transferred to the General Fund.~~

C. ~~These~~ The funds in ~~this~~ the special account under paragraph B may be expended to implement and maintain farm programs in correctional facilities. These expenditures include, but are not limited to, the purchase of necessary materials and equipment, construction, administrative costs and employee salaries.

D. The commissioner may establish, for the purpose of supporting farm programs at correctional facilities by generating additional revenue for the special account under paragraph B, a gravel mining program at any correctional facility sited on land that contains sufficient gravel. The commissioner shall determine the amount of gravel to be mined. Gravel not used by correctional facilities may be sold, distributed or exchanged in the same manner as farm products pursuant to paragraph A. In addition to the expenditures allowed by paragraph C, the revenue generated from a gravel mining program may be expended to implement and maintain gravel mining programs in correctional facilities.

Sec. 2. 34-A MRSA §1403, sub-§9, ¶A, as enacted by PL 1985, c. 821, §21, is amended to read:

A. The program may make services and goods available for use by correctional facilities or for purchase by other state, county or local governmental entities, private businesses in the State, community agencies, as defined in section 1206, subsection 1, or the public.

See title page for effective date.

CHAPTER 341

H.P. 1029 - L.D. 1400

An Act To Address Certain Aspects of Bail

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

Sec. 1. 15 MRSA §1003, sub-§3-A is enacted to read:

3-A. Crime involving domestic violence. "Crime involving domestic violence" means:

A. As defined in Title 17-A, a crime of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; and

B. A violation of a protective order under Title 19-A, section 4011, the alleged victim of which is a family or household member as defined in Title 19-A, section 4002, subsection 4.

Sec. 2. 15 MRSA §1023, sub-§4, as repealed and replaced by PL 2001, c. 686, Pt. A, §1, is amended to read:

4. Limitations on authority. A bail commissioner may not:

A. Set preconviction bail for a defendant confined in jail or held under arrest by virtue of any order issued by a court in which bail has not been authorized;

B. Change bail set by a court; ~~or~~

C. In a case involving domestic violence, set preconviction bail for a defendant before making a good faith effort to obtain from the arresting officer, the ~~district attorney~~ responsible prosecutorial office, a jail employee or other law enforcement officer:

- (1) A brief history of the alleged abuser;
- (2) The relationship of the parties;
- (3) The name, address, phone number and date of birth of the victim; and
- (4) Existing conditions of protection from abuse orders, conditions of bail and conditions of probation;

D. Set preconviction bail for a violation of condition of release pursuant to section 1092, except as provided in section 1092, subsection 4; or

E. Set preconviction bail using a condition of release not included in every order for pretrial release without specifying a court date within 8 weeks of the date of the bail order.

Sec. 3. 15 MRSA §1092, sub-§4 is enacted to read:

4. Limitations on authority of bail commissioner to set preconviction bail. A court may, but a bail commissioner may not, set bail for a defendant granted preconviction bail who has been arrested for an alleged violation of this section if: