

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant. All fees collected pursuant to this section must be deposited directly to the General Fund Administrative Expenses Other Special Revenue Funds account, which is a dedicated nonlapsing account within the Gambling Control Board, except that \$25,000 of the annual renewal fee for a slot machine operator or casino operator must be deposited to the Gross Slot Income Other Special Revenue ~~Fund~~ Funds account within the Gambling Control Board to be transferred to the municipality in which the slot machine facility or casino is operated, in accordance with subsection 2. All application and registration fees are nonrefundable and are due upon submission of the application.

Sec. 6. Exemption of deposit of fees in account of Gambling Control Board. Notwithstanding the provision of the Maine Revised Statutes, Title 8, section 1018, subsection 1 that requires fees collected pursuant to Title 8, section 1018 to be deposited directly to the Administrative Expenses Other Special Revenue Funds account within the Department of Public Safety, Gambling Control Board, all fees imposed pursuant to Title 8, section 1018, subsection 1, paragraphs A to E that are associated with a casino located in Oxford County licensed pursuant to Title 8, section 1011, subsection 2-A or a slot machine facility licensed as of January 1, 2011 pursuant to Title 8, section 1011, subsection 2 and collected during fiscal years 2011-12 and 2012-13 must be deposited in the General Fund.

Sec. 7. Gambling Control Board to adopt emergency major substantive rules. The rules required by this Act are emergency major substantive rules of the Department of Public Safety, Gambling Control Board and must be adopted no later than August 15, 2011. Those same rules must be provisionally adopted and submitted to the Legislature for approval no later than January 13, 2012.

Sec. 8. Report. By February 15, 2012, the Department of Public Safety, Gambling Control Board shall report to the joint standing committee of the Legislature having jurisdiction over matters relating to the operation of casinos the process used to develop and adopt rules that prescribe the specific method and rules of play for table games authorized to be conducted at a casino, including comments received from the casino operator and any source used as a model for game play rules.

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

Effective January 9, 2012.

**CHAPTER 470
H.P. 767 - L.D. 1033**

An Act To Support Resource Sharing among Maine Libraries

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

LIBRARY, MAINE STATE

Maine State Library 0217

Initiative: Provides ongoing funding beginning in fiscal year 2012-13 to support weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State that participated in the van delivery service in fiscal years 2009-10 and 2010-11.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$100,000
GENERAL FUND TOTAL	\$0	\$100,000

See title page for effective date.

**CHAPTER 471
S.P. 350 - L.D. 1150**

An Act To Improve the Administration of the Legislative Ethics Laws

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

Sec. 1. 1 MRSA §1013, sub-§1, ¶B, as amended by PL 2007, c. 642, §6, is further amended to read:

B. To investigate complaints alleging a violation of legislative ethics against any Legislator, to investigate a possible violation of legislative ethics upon the commission's own motion, to hold hearings on ~~these complaints~~ an alleged or possible violation if the commission determines it is appropriate and to issue findings of fact together with its opinion; and

Sec. 2. 1 MRSA §1013, sub-§2, ¶B-1, as enacted by PL 2007, c. 642, §6, is amended to read:

B-1. Any person may file a complaint against a Legislator alleging a violation of legislative ethics

only as described in ~~section~~ sections 1014 and 1015. The complaint must be filed in writing and signed under oath and must specify the facts of the alleged violation citing the specific provisions of sections 1014 and 1015 that are alleged to have been violated, the approximate date of the alleged violation and such other information as the commission requires. A complainant shall agree in writing not to disclose any information about the complaint during the time the commission is determining whether or not to pursue the complaint or during the investigation of a complaint. A complaint that does not meet the criteria of this paragraph is considered incomplete and will not be forwarded to the commission.

(1) The Legislator against whom a complaint is filed must immediately be given a copy of the complaint and the name of the complainant. Before deciding whether to conduct an investigation or to hold any hearings, the commission shall afford the Legislator an opportunity to answer the complaint in writing and in person to the commission. The commission staff may gather preliminary factual information that will assist the commission in deciding whether to conduct a full investigation or to hold hearings.

(2) The commission shall consider only complaints against Legislators in office at the time of the filing of the complaint and only complaints relating to activity that occurred or was ongoing within 2 years of the complaint. Upon a majority vote of the commission, the commission shall conduct an investigation and hold hearings as it determines necessary.

(3) The commission shall issue its findings of fact together with its opinion regarding the alleged violation of legislative ethics to the legislative body of which the Legislator concerned is a member. That legislative body may take whatever action it determines appropriate, in accordance with the Constitution of Maine.

(4) If the commission determines that a Legislator has potentially violated professional standards set by a licensing board, its opinion and such other information as may be appropriate must be referred to the licensing board that oversees the Legislator's professional conduct.

Sec. 3. 1 MRSA §1013, sub-§2, ¶B-2 is enacted to read:

B-2. If the commission receives information other than through a complaint suggesting that a Legislator may have committed a violation of leg-

islative ethics, the commission may commence an investigation or conduct hearings when there is probable cause to believe that a violation has occurred. The commission may consider only activities by a Legislator in office at the time of the investigation that occurred or were ongoing within 2 years of the investigation. The commission shall provide the Legislator with written notice of the possible violation and an opportunity to be heard in accordance with the requirements of paragraph B-1. The commission's consideration of the possible violation is subject to the confidentiality provisions of subsection 3-A.

Sec. 4. 1 MRSA §1016-C, as enacted by PL 1991, c. 880, §2, is amended to read:

§1016-C. Reports by legislative candidates

A candidate, as defined in Title 21-A, section 1, subsection 5, for the Legislature who is not required to file a report under section 1016-A ~~or~~, 1016-B or 1016-E shall file a report containing the same information required of Legislators under sections 1016-A ~~and~~, 1016-B and 1016-E no later than 5 p.m. on the first Monday in August preceding the general election unless the candidate withdraws from the election in accordance with Title 21-A, section 374-A by that date.

Sec. 5. 1 MRSA §1019, 2nd ¶, as amended by PL 1977, c. 252, §5, is further amended to read:

If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully filed a false statement, the Legislator ~~shall be~~ is presumed to have a conflict of interest ~~on every question and shall be precluded or punished as provided in section 1015~~ 1014 on every question.

See title page for effective date.

CHAPTER 472

H.P. 1229 - L.D. 1639

An Act To Allow the Adjutant General To Address a Joint Session of the Legislature

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

Whereas, this legislation authorizes the President of the Senate and the Speaker of the House of Representatives to invite the Adjutant General to appear in February of each year to address a joint session of the Legislature; and