

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

- G. An operator or representative of a commercial harness horse racing track in the State that is not authorized to operate slot machines appointed by the Speaker of the House;
- H. An off-track betting facility operator licensed in the State appointed by the President of the Senate;
- I. An operator or representative of each casino licensed in the State appointed by the Speaker of the House;
- J. An economist or consultant with experience studying the gambling industry appointed by the President of the Senate;
- K. Representatives from 2 groups who represent those who oppose the expansion of gambling in the State, one from a statewide religious organization, appointed by the Speaker of the House;
- L. A representative of the agricultural fairs in this State appointed by the President of the Senate; and
- M. A representative of the hospitality industry appointed by the Speaker of the House.

2. Appointments; cochairs. Appointments to the commission must be made by February 1, 2013. The first-named Senate member and the first-named House of Representatives member are cochairs of the commission.

3. Commission duties. The commission shall examine the impact of existing casinos on local economies and the state economy overall and any impacts on other forms of legal gambling conducted within the State. The commission shall examine the impact of the establishment of casinos or similar facilities in the states of New Hampshire and Massachusetts and neighboring provinces in Canada on the state economy and on the revenue generated by existing casinos in the State. The commission shall also gather information to determine the potential market for the establishment of new gambling opportunities in the State. The commission shall consider the feasibility of the licensing of expanded gambling activities by persons or groups who are eligible for existing licenses to conduct games of chance, beano, high-stakes beano, harness horse racing and off-track betting, including but not limited to the operation of slot machines and table games. The commission shall develop recommendations for a competitive bidding process for the privilege to submit an application to the Department of Public Safety, Gambling Control Board for the operation of a slot machine facility or a casino. The recommendation for a competitive bidding process must include a minimum nonrefundable application privilege fee of \$250,000 as provided in the Maine Revised Statutes, Title 8, section 1018, subsection 1-A. The recommendation must also include a minimum cash

bid or license fee of \$5,000,000 in order to submit an application to the Gambling Control Board for an initial license to operate a slot machine facility or a casino except that the commission may recommend a minimum cash bid or license fee in an amount other than \$5,000,000 when a deviation from the \$5,000,000 amount is warranted based on the geography or demographics of the location of a proposed slot machine facility or casino or the size of the proposed slot machine facility or casino.

4. Meetings; compensation. The commission shall hold no more than 6 meetings. The commission may seek comment from members of the public to assist in the development of the recommendations required by subsection 3. Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission when the Legislature is not in session.

5. Report and legislation. By February 15, 2014, the commission shall submit a report based on its findings under subsection 3, including any recommendations for legislation, to the joint standing committee of the Legislature having jurisdiction over casino matters, which is authorized to report out legislation to the Second Regular Session of the 126th Legislature.

6. Staff. The Department of Administrative and Financial Services shall provide staff to the commission. The Office of Policy and Legal Analysis shall provide drafting assistance to the commission.

See title page for effective date.

CHAPTER 700

S.P. 278 - L.D. 874

An Act To Authorize a General Fund Bond Issue for Higher Education

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$11,300,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than

10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

UNIVERSITY OF MAINE SYSTEM

University of Maine System

Provides funds for a freestanding biosafety level 3 laboratory, including an animal diagnostic laboratory and a plant diagnostic and insect identification laboratory.

Total \$7,800,000

MAINE COMMUNITY COLLEGE SYSTEM

Maine Community College System

Provides funds to expand necessary capital infrastructure improvements and equipment including at least \$1,000,000 to be used for machine tool technology.

Total \$3,000,000

MAINE MARITIME ACADEMY

Maine Maritime Academy

Provides funds to expand necessary capital infrastructure improvements and equipment.

Total \$500,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor an \$11,300,000 bond issue to provide funds for capital to build a diagnostic facility for the University of Maine System; for capital improvements and equipment, including machine tool technology, for the Maine Community College System; and for capital improvements and equipment at the Maine Maritime Academy?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 701

S.P. 661 - L.D. 1884

An Act To Revise the Laws Regarding the Fund for a Healthy Maine

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

Sec. 1. 22 MRSA §1511, sub-§1, as enacted by PL 1999, c. 401, Pt. V, §1, is amended to read:

1. Fund established. The Fund for a Healthy Maine, referred to in this chapter as the "fund," is established ~~as an Other Special Revenue fund~~ for the purposes specified in this chapter ~~as a separate and distinct fund for accounting and budgetary reporting purposes.~~

Sec. 2. 22 MRSA §1511, sub-§§13 and 14 are enacted to read:

13. Separate accounts; annual reporting. A state agency that receives allocations from the fund and a contractor or vendor that receives funding allocated from the fund shall maintain that money in a separate account and shall report by September 1st of each year to the Commissioner of Administrative and Financial Services providing a description of how those funds for the prior state fiscal year were targeted to the prevention and health-related purposes listed in subsection 6. The Commissioner of Administrative and Financial Services shall by October 1st of each year compile the reports provided under this subsection and forward the information in a report to the Legislature.

14. Legislative committee review of legislation. Whenever a proposal in a resolve or bill before the Legislature, including but not limited to a budget bill, affects the fund, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over health and human services matters to review and evaluate the proposal as it pertains to the fund. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall conduct the review and report to the committee of jurisdiction and to the joint

standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Sec. 3. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Information Services 0155

Initiative: Provides one-time funds for the computer programming costs associated with establishing the Fund for a Healthy Maine as a separate fund.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$131,028
GENERAL FUND TOTAL	\$0	\$131,028

See title page for effective date.

CHAPTER 702

S.P. 618 - L.D. 1781

An Act To Restructure the National Board Certification Program for Teachers

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

Sec. 1. 20-A MRSA §13007, sub-§2, as enacted by PL 1991, c. 528, Pt. I, §5 and affected by Pt. RRR and enacted by c. 591, Pt. I, §5, is amended to read:

2. Accounting. The commissioner shall:

A. Collect and account for all certificate fees; ~~and~~

B. Report and pay ~~these~~ fees collected pursuant to subsection 1, except those fees collected and credited to the National Board Certification Scholarship Fund pursuant to paragraph C and the National Board Certification Salary Supplement Fund pursuant to paragraph D, to the Treasurer of State to be credited to the General Fund;

C. Report and pay \$50,000 in fiscal year 2012-13 and \$75,000 in fiscal year 2013-14 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Scholarship Fund, Other Special Revenue Funds account within the Department of Education; and

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 from fees collected pursuant to sub-