

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

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

Effective March 21, 2014.

CHAPTER 488
H.P. 1267 - L.D. 1768

**An Act To Allow All Current
Members and Veterans of the
United States Armed Forces To
Be Eligible for In-state Tuition
Rates**

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 provides greater affordability to veterans for attendance at Maine's post-secondary educational institutions; and

Whereas, veterans may need to make their decisions about which postsecondary educational institution to attend prior to the end of the 90-day period; 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Sec. 1. 20-A MRSA §10010, as amended by PL 2013, c. 311, §2, is repealed and the following enacted in its place:

**§10010. Current members and veterans of the
United States Armed Forces**

If a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

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

Effective March 22, 2014.

CHAPTER 489

S.P. 694 - L.D. 1755

**An Act To Amend the
Mandatory Shoreland Zoning
Laws To Exclude Subsurface
Waste Water Disposal Systems,
Geothermal Heat Exchange
Wells and Wells or Water
Wells from the Definition of
"Structure"**

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

Sec. 1. 38 MRSA §436-A, sub-§12, as amended by PL 2013, c. 320, §6, is further amended to read:

12. Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind and anything constructed or erected on or in the ground, ~~exclusive of fences and poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors.~~ "Structure" ~~includes a structure temporarily or permanently located~~ does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8. As used in this subsection, "service drop" has the same meaning as in section 952.

See title page for effective date.

CHAPTER 490

H.P. 1203 - L.D. 1680

**An Act To Protect the Integrity
of Funding for Harness Racing
Purses**

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 needs to take effect before the expiration of the 90-day period in order to provide protection for funds used to pay purses in harness horse racing as soon as possible; 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 §272-B, first ¶, as repealed and replaced by PL 2007, c. 211, §1 and affected by §2, is amended to read:

Notwithstanding any other provision of this chapter, up to 3% of funds designated to supplement purses may be paid to a statewide association of horsemen in accordance with this section. A statewide association of horsemen, referred to in this section as "the association," means an association of horsemen a majority of the membership of which is composed of owners, trainers and drivers or any combination of owners, trainers and drivers who are licensed by the commission and whose officers are authorized by the membership to negotiate with a person licensed to conduct racing under section 271 on behalf of the association's membership.

Sec. 2. 8 MRSA §272-C is enacted to read:

§272-C. Trust account

1. Establishment; deposits. A licensee conducting live racing in the State shall establish a trust account for the benefit of the persons who race horses at that licensee's facility. Except as provided by subsection 3, funds distributed to or retained by the licensee pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any administrative assessments pursuant to section 267-A, that must be used to pay or supplement harness racing purses must be deposited in that account and used exclusively to pay harness racing purses. The funds in a trust account established in accordance with this subsection are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee and are not subject to attachment or execution by creditors of the licensee.

2. Payment if licensee fails to conduct racing. If a licensee fails to conduct a race meet during a calendar year, all funds held in the trust account established under this section by that licensee must be returned to the commission, which shall return to the licensee any amount that represented a reimbursement that equaled an overpayment of harness racing purses. Any remaining balance of the trust account must be redistributed by the commission to the trust accounts of all racetracks that continue to conduct live racing in the State, with each track receiving that portion of money determined by multiplying the amount of money available for redistribution by a fraction, the numerator of which is the number of race dates at that racing facility during the prior calendar year and the denominator of which is the total number of race dates

throughout the State during that year, except that those funds received by a licensee pursuant to section 298 must be returned to the fund to supplement harness racing purses established in section 298 and must be distributed according to that section.

3. Limited interim use of funds permitted.

Notwithstanding subsection 1, a licensee, solely for the purpose of funding racing operations, may during the period from January 1st to April 30th make use of funds that otherwise would be in a trust account established pursuant to subsection 1 if the following conditions are met:

A. The amount of the funds to be used is approved in writing by the association described in section 272-B;

B. The licensee provides the executive director of the commission written notice of the amount of funds to be used and the written approval from the association under paragraph A to use the funds;

C. The executive director of the commission certifies that the licensee is likely to receive disbursements from the funds established under sections 295 and 299 and Title 7, section 91 within 120 days; and

D. Funds used are repaid to the trust account established pursuant to subsection 1 no later than 10 days from the May 30th distribution to the licensee under section 295, subsection 2 and section 299, subsection 2.

This subsection is repealed June 30, 2017.

Sec. 3. 8 MRSA §275-A, sub-§1, as amended by PL 2003, c. 401, §10, is further amended to read:

1. Commercial track. "Commercial track" means a harness horse racing track licensed under this chapter to conduct harness horse racing with parimutuel wagering that:

A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted racing on more than 100 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is 300,000 or more, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 100 days in each of the 2 preceding calendar years; or

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than 25 days in each of the previous 2 calendar years, except that if a race-track that qualifies as a commercial track under this paragraph ceases operation, a separate race-track operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is less than 300,000, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 26 days in each of the 2 preceding calendar years;

C. Began operation after January 1, 2014 in a region with a population of 300,000 or more, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph A that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a race-track is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 100 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 100 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track; or

D. Began operation after January 1, 2014 in a region with a population of less than 300,000, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph B that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a race-track is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 25 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 25 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track.

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the

center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.

Sec. 4. 8 MRSA §276-B is enacted to read:

§276-B. Commercial track ceases operation; entitled to funds

Other than funds used exclusively to pay harness racing purses, a commercial track that ceases operation is entitled to distribution of all funds maintained by the State under this chapter based on the number of race days conducted by that commercial track.

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

Effective March 22, 2014.

CHAPTER 491

H.P. 1188 - L.D. 1616

**An Act Regarding
Appointments of Certain
Positions in the Department of
Corrections**

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

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2011, c. 655, Pt. I, §1 and affected by §11, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Deputy Commissioner, Department of Administrative and Financial Services;

~~Associate Deputy Commissioner for Adult Services, Department of Corrections;~~

~~Associate Commissioner for Juvenile Services, Department of Corrections;~~