

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

**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**  
**2015**

mussels, *Mytilus edulis*, in the post-larval stage that have gone through metamorphosis and settled on a substrate. The commissioner may, by rule, add additional species to this definition.

**2. License required.** A person may not engage in the activities authorized under this section without a current spat collection license issued by the commissioner. A person who holds a lease issued under section 6072 or 6072-A or a license issued under section 6072-C is exempt from the requirement to obtain a spat collection license to collect spat on the lease site or in connection with the license issued under section 6072-C if the species is commercially cultured and listed on that person's lease or license.

**3. Licensed activity.** The holder of a spat collection license may take, possess or sell the spat of marine organisms identified on the spat collection license.

**4. Type and amount of gear.** The commissioner shall specify on a spat collection license the method of taking and the type and amount of gear authorized by the license.

**5. Eligibility.** A spat collection license may be issued only to an individual who is a resident of the State.

**6. Rules.** The commissioner shall adopt rules that define the maximum size of spat for each species that a holder of a spat collection license is authorized to take. The commissioner may adopt rules to limit the amount of spat collected and the type and amount of gear that may be used for spat collection for each species. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**7. License holder exempted.** The holder of a spat collection license is exempt from the requirement to hold a license under this Part for harvesting the species identified on the spat collection license up to the maximum size of spat that is specified for that species in rule. The holder of a spat collection license is exempt from the time restrictions on taking and possessing and minimum size requirements for that species up to the maximum size of spat that is specified for that species in rule.

**8. Fees.** The fee for a spat collection license is \$75. All fees collected under this subsection accrue to the Aquaculture Management Fund established in section 6072-D.

**9. Reporting.** The commissioner may require the holder of a spat collection license to report annually on the quantity of spat collected and whether the spat was used for aquaculture or stock enhancement activities.

**10. Violation.** A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

**Sec. 2. Effective date.** This Act takes effect January 1, 2016.

Effective January 1, 2016.

## CHAPTER 200

### H.P. 572 - L.D. 838

#### An Act To Enhance Equity and Efficiency for Off-track Betting Facilities

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

**Sec. 1. 8 MRSA §275-A, sub-§7-A** is enacted to read:

**7-A. Net commission.** "Net commission" means the total commission less 4% of the amount wagered.

**Sec. 2. 8 MRSA §275-N**, as amended by PL 2003, c. 401, §14, is further amended to read:

#### **§275-N. Limitations on off-track betting facilities**

The commission may ~~not~~ and license any off-track betting facility regardless of the number of race dates that were conducted in the State for any calendar year ~~unless during the preceding 2 calendar years there were at least 150 race dates on which live racing actually was conducted at the commercial tracks.~~ Interstate simulcasting always must be allowed at any commercial track that conducted at least 136 race dates during the immediately preceding 2 calendar years or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B at which at least 35 race dates were conducted during the preceding 2 years if the interstate simulcasting at the commercial track is conducted during the regular meeting. For the purposes of this section, any race date that the commission determines was canceled due to a natural or other disaster must be counted as a race date. For the purposes of this section and for the purpose of meeting the requirements of section 275-A, subsection 1, any race date that is canceled at a commercial race track due to the inability to meet the requirements of section 275-A, subsection 9-A because of a horse shortage, as verified by the state steward, is counted as a race date.

**Sec. 3. 8 MRSA §286, sub-§4**, as enacted by PL 1997, c. 528, §46, is amended to read:

**4. Off-track betting facility interstate simulcasting with commingled pools.** The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by an off-track betting facility is calculated as a percentage of the commission with respect to the State's share and as percentages of the net commission

with respect to all other participants' shares and is distributed as follows.

A. On exotic wagers:

- (1) The state share is 8.647% for an off-track betting facility located in the same municipality as a commercial track and 9.801% for all other facilities;
- (2) The Sire Stakes Fund share is 5.965%;
- (3) The Stipend Fund share is 4.494%;
- (4) The purse supplement share is 16.558%;
- (5) The Harness Racing Promotional Fund share is 0.962%;
- (6) The off-track betting facility share is ~~49.269%~~ all amounts not otherwise assigned; and
- (7) The off-track betting facility simulcast fund share is 12.951%.

B. On regular wagers:

- (1) The state share is 2.739% for an off-track betting facility located in the same municipality as a commercial track and 4.405% for all other facilities;
- (2) The Sire Stakes Fund share is 0.400%;
- (3) The Stipend Fund share is 6.590%;
- (4) The purse supplement share is 8.399%;
- (5) The Harness Racing Promotional Fund share is 1.389%;
- (6) The off-track betting facility share is ~~60.190%~~ all amounts not otherwise assigned; and
- (7) The off-track betting facility simulcast fund share is 18.627%.

See title page for effective date.

## CHAPTER 201

### H.P. 845 - L.D. 1227

#### An Act To Provide for Improved Reporting of Marine Resources Landings

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

**Sec. 1. 12 MRSA §6173, sub-§§3 and 4** are enacted to read:

**3. Equipment required.** The commissioner may require a person licensed under chapter 625 to purchase specific equipment that is necessary to comply

with rules regarding electronic reporting adopted pursuant to this section as a condition of engaging in the licensed activities.

**4. Reimbursement for equipment provided.** If the holder of a license issued under chapter 625 fails to pay a fee or charge for equipment that is necessary to comply with rules regarding electronic reporting adopted pursuant to this section and that was provided by the department and either not returned to the department by the license holder or returned in poor condition, the commissioner may refuse to renew or issue any marine resources license or permit to that license holder.

**Sec. 2. 12 MRSA §6535, sub-§2**, as amended by PL 2013, c. 492, §6, is further amended to read:

**2. Licensed activity.** A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters subject to the requirements of paragraph A. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise handle the harvested product.

~~A. A diving tender licensed under this section may not sell sea urchins or scallops unless the person:~~

- ~~(1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license or sells scallops to a purchaser who holds a valid wholesale seafood license or a valid retail seafood license; and~~

- ~~(2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins or scallops were harvested.~~

~~B. A holder of a wholesale seafood license, a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins from a diving tender licensed under this section may not purchase the sea urchins or scallops except by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license, a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins~~