

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**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**  
**2016**

**CHAPTER 491**  
**H.P. 1103 - L.D. 1624**

**An Act To Eliminate Inactive  
Boards and Commissions**

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

**Sec. 1. 3 MRSA §168-B**, as enacted by PL 2009, c. 623, §2, is repealed.

**Sec. 2. 5 MRSA §1825-T**, as enacted by PL 2007, c. 193, §4, is repealed.

**Sec. 3. 5 MRSA §12004-I, sub-§3-C**, as enacted by PL 2005, c. 186, §1, is repealed.

**Sec. 4. 5 MRSA §12004-I, sub-§29-D**, as amended by PL 2013, c. 588, Pt. A, §5, is repealed.

**Sec. 5. 5 MRSA §12004-I, sub-§54-C**, as amended by PL 2009, c. 623, §3, is repealed.

**Sec. 6. 12 MRSA §1893-C**, as enacted by PL 2005, c. 186, §2, is repealed.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Legislature 0081**

Initiative: Deappropriates funds for the Legislative Youth Advisory Council.

GENERAL FUND	2015-16	2016-17
Personal Services	\$0	(\$1,320)
All Other	\$0	(\$2,860)
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GENERAL FUND TOTAL	\$0	(\$4,180)

See title page for effective date.

**CHAPTER 492**  
**S.P. 693 - L.D. 1685**

**An Act To Clarify That  
Buprenorphine Is a Scheduled  
Drug**

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

**Sec. 1. 17-A MRSA §1102, sub-§1, ¶I**, as amended by PL 2015, c. 330, §1, is further amended to read:

I. Unless listed or described in another schedule, any compound, mixture or preparation containing

narcotic drugs, including, but not limited to, the following narcotic drugs or their salts, isomers or salts of isomers: heroin (diacetylmorphine), methadone, methadone hydrochloride, levo-alpha-acetyl-methadol, or LAAM, pethidine, morphine, oxycodone, hydrocodone, hydromorphone, buprenorphine, fentanyl, acetylfentanyl and any methylfentanyl derivatives and opium;

See title page for effective date.

**CHAPTER 493**  
**H.P. 705 - L.D. 1022**

**An Act To Protect the Future  
of Harness Racing**

**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 to provide funding as soon as possible to ensure the continuation of racing if a commercial track closes; 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 §267-A, sub-§2, ¶¶B and C**, as enacted by PL 2007, c. 539, Pt. G, §6 and affected by §15, are amended to read:

B. All fees collected by the commission pursuant to ~~section~~ sections 271, 275-D and 279-A; ~~and~~

C. Any funds allocated or appropriated to the operating account; ~~and~~

**Sec. 2. 8 MRSA §267-A, sub-§2, ¶D** is enacted to read:

D. Any funds deposited in the operating account pursuant to section 299, subsection 3.

**Sec. 3. 8 MRSA §299, sub-§§3 and 4** are enacted to read:

**3. Track closure distribution.** Notwithstanding subsection 2, if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts credited to the fund established by this section must be disbursed to the remaining commercial

tracks and to agricultural fair licensees that conduct live racing based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. The payment to a commercial track or agricultural fair is determined by dividing the amount in the fund by 150 and multiplying the result by the number of days raced by that commercial track or agricultural fair. An agricultural fair must receive its payment on May 30th before extended meets are held based on assigned dates for extended meets for that agricultural fair. An adjustment must be made no later than the January 30th following the extended meets that results in payment to an agricultural fair based on days actually raced during extended meets by that agricultural fair. Any amount remaining in the fund on January 30th after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the commission under section 267-A.

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.

**4. Natural disaster exception.** If the commission determines that a commercial track is unable to conduct harness racing due to a natural disaster and that the commercial track licensee cannot immediately relocate to another venue, the commercial track licensee may be allowed up to 6 months to repair, rebuild or relocate at the discretion of the commission and, if the commercial track licensee repairs, rebuilds or relocates within the time frame allowed, the commission may authorize the commercial track licensee to again receive distributions in accordance with subsection 2. If the commercial track licensee is unable to repair, rebuild or relocate during this 6-month time frame due to circumstances that are determined by the commission to be outside of the control of the commercial track licensee, the commission may grant a reasonable extension beyond 6 months. During any time that is granted by the commission under this subsection to the commercial track licensee in order to repair, rebuild or relocate, the distribution formula established under subsection 3 must be in effect.

**Sec. 4. 8 MRSA §1036, sub-§2, ¶H,** as amended by PL 2011, c. 358, §4, is further amended to read:

H. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at Maine's Commercial Tracks,

~~established in section 299; however, the payment required by this paragraph is terminated when all commercial tracks have obtained a license to operate slot machines in accordance with this chapter, in which case, that 4% of the net slot machine income must be credited to the General Fund as undedicated revenue;~~

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

Effective April 24, 2016.

## CHAPTER 494

### H.P. 1118 - L.D. 1643

#### An Act To Correct Errors and Inconsistencies in the Laws of Maine

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

**Whereas,** acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:**

#### PART A

**Sec. A-1. 1 MRSA §408-A, sub-§4,** as amended by PL 2015, c. 248, §1 and c. 249, §1, is repealed and the following enacted in its place:

**4. Refusals; denials.** If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide, within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part