

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

**CHAPTER 282
S.P. 576 - L.D. 1734**

**An Act To Create a
Postsecondary Educational
Institution Sampling License**

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

Sec. 1. 28-A MRSA §1553 is enacted to read:

**§1553. Postsecondary educational institution
sampling license**

The bureau may issue a postsecondary educational institution sampling license to an accredited postsecondary educational institution in the State, referred to in this section as an educational institution, as described by this section.

1. Eligible licensees. The bureau may issue a license under this section to an educational institution, or its agent, that submits an application to the bureau in a manner prescribed by the bureau. The bureau may issue a license under this section only to an educational institution, or its agent, that offers a course or courses involving the hospitality industry, culinary arts or food sciences.

2. Purchase of liquor limited to certain purposes. A licensee under this section may purchase liquor for educational courses conducted by the licensee involving the hospitality industry, culinary arts or food sciences.

Nothing in this subsection prohibits an educational institution licensed under this section from charging a materials fee to students to recoup the cost of liquor used for the purposes described in this section.

3. Consumption of liquor on premises; transport of liquor to premises. A licensee under this section is governed by the provisions of this subsection regarding the consumption of liquor on the educational institution's premises and the transport of liquor to the educational institution's premises.

A. A licensee may permit sampling of the liquor used in conjunction with the educational institution's course or courses involving the hospitality industry, culinary arts or food sciences by a person at least 21 years of age who is:

(1) A member of the faculty or staff of the educational institution who teaches or assists in the hospitality industry, culinary arts or food sciences course or courses; or

(2) A student enrolled in the hospitality industry, culinary arts or food sciences course or courses.

B. The sampling of liquor authorized under paragraph A must be conducted in accordance with

the licensed educational institution's alcohol safety procedures or guidelines.

C. Liquor purchased and transported to the educational institution's premises used in conjunction with the hospitality industry, culinary arts or food sciences course or courses must be clearly labeled with the educational institution's name, license number, date of purchase and course with which the liquor is associated.

4. License fee. The annual fee for a postsecondary educational institution sampling license is \$100.

See title page for effective date.

**CHAPTER 283
H.P. 1230 - L.D. 1728**

**An Act To Align the Harness
Racing Laws with Current
Policies**

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

Whereas, it is urgent for the harness racing industry in this State to align harness racing laws with current policy and the policies of every other racing jurisdiction across the country and to have this alignment take effect as soon as possible; and

Whereas, current statutory language undermines the integrity of harness racing in this State and the confidence of the wagering public and threatens the future of the industry; 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 §279-A, as amended by PL 2007, c. 611, §6, is further amended to read:

**§279-A. Licenses, rules and regulations for
participating in racing**

For the purpose of enabling the commission to exercise and maintain a proper control over racing conducted under this chapter, the commission may adopt rules for the licensing, with or without fee in the discretion of the commission, of owners, trainers, drivers, grooms and all other persons participating in harness horse racing, including pari-mutuel employees and race officials. The commission may issue condi-

tional licenses to owners, trainers, drivers, grooms and all other persons participating in harness racing, including pari-mutuel employees and race officials, if one or more criteria are not met as contained in the commission rules. A person issued a license as a trainer shall submit a horse for testing in accordance with section 279-E.

The commission, in consultation with the department, shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed \$100 annually. The department shall provide a ~~booklet containing public access to the harness racing laws statutes and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. The department shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost not to exceed \$10 in the renewal fee.~~

The commission may adopt rules for the conduct on the race track and grounds of owners, trainers, drivers, grooms and all other persons participating in harness ~~horse~~ racing. The rules must be reasonably necessary for any one or more of the following purposes: to protect the wagering public, to protect the State's share of pari-mutuel pools, to protect the health and welfare of spectators and participating owners, trainers, drivers, grooms and all other persons participating in harness ~~horse~~ racing, including pari-mutuel employees and race officials, and to protect the health and welfare of ~~standard bred~~ standardbred horses.

The commission may adopt rules establishing allowable levels of permitted medications carried in the body of a horse while participating in races licensed by the commission. In addition, the commission may adopt rules establishing prohibited substances that may not be present in the body of a horse while participating in races licensed by the commission.

~~Notwithstanding section 280, the department may adopt a controlled medication program that permits controlled medication to be administered to racehorses.~~

The District Court Judge may revoke or suspend any license for violations of this chapter or the rules.

Sec. 2. 8 MRSA §279-B, as amended by PL 2007, c. 611, §7, is further amended to read:

§279-B. Fines, suspensions and revocations

To enforce the provisions of this chapter and the rules referred to in section 279-A, the commission is authorized to establish a schedule for fines for each violation of this chapter or the rules. The commission is authorized to levy a fine, after notice and hearing, for each violation of this chapter or the rules.

The commission is further authorized to establish a schedule of suspensions of licenses and may levy suspensions for each violation of this chapter or the rules.

The commission is further authorized to disqualify a horse, and may require the return of any purse won by the horse, if it is found to have carried in its body either a prohibited substance or an exceedance of an allowable level of a permitted medication during any race licensed by the commission.

Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Delegation of authority to commission chair.

The commission may delegate to the chair, by rules adopted in accordance with the Maine Administrative Procedure Act, its authority to levy fines, disqualifications, purse returns and suspensions for particular violations or classes of violations. The chair shall exercise this authority in a manner consistent with Title 5, chapter 375. Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the chair may seek judicial review pursuant to the Maine Administrative Procedure Act. This subsection takes effect on July 1, 1992.

Sec. 3. 8 MRSA §280, sub-§1, as enacted by PL 2007, c. 244, §1, is amended to read:

1. Violation; interference with horse. ~~Except as provided in section 279-A, a~~ A person may not intentionally or knowingly:

- A. Interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether that horse is the property of that person or another;
- B. Attempt to violate paragraph A; or
- C. Cause, instigate, counsel or in any way abet the violation of paragraph A.

Sec. 4. 8 MRSA §280, sub-§3, ¶B, as enacted by PL 2007, c. 244, §1, is amended to read:

- B. The owner of any horse that is found to have ~~been stimulated or doped~~ violated this section must be denied any part of the purse offered for a race in which that horse participated, and the purse must be distributed as in the case of a disqualification. If the owner of a horse is convicted of violating this section, the court may bar the owner from racing any horses in the State for a period of one year from the date of conviction.

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

Effective June 13, 2019.

CHAPTER 284

H.P. 1246 - L.D. 1751

**An Act To Amend and Clarify
the Laws Concerning
American Sign Language
Interpreters**

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

Sec. 1. 5 MRSA §48-A, sub-§1, ¶M, as amended by PL 2017, c. 223, §2, is further amended to read:

M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter, ~~or certified deaf interpreter or certified transliterator~~ and who:

- (1) Is a hearing person who:
 - (a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;
 - (b) Satisfies the eligibility criteria for taking the exam for the specialist certificate described in division (a) as long as, by January 1, 2012, that person obtains the specialist certificate described in division (a);
 - (c) Is included on the bureau's list of qualified interpreters on the effective date of this section, as long as that person, by January 1, 2006, meets the eligibility criteria for taking the exam for the specialist certificate described in division (a) and, by January 1, 2012, obtains the specialist certificate described in division (a); or
 - (d) Possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court; or
- (2) Is a deaf interpreter who holds a current Certificate of Interpretation from the Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor. Beginning January 1, 2006, a deaf person, hard-of-hearing person or late-deafened person must also satisfy the eligibil-

ity criteria for taking the exam for the Specialist Certificate: Legal or its successor.

Sec. 2. 29-A MRSA §1358, sub-§1, ¶E, as reallocated by RR 2005, c. 1, §13, is amended to read:

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, ~~section 1524 or section 1524-B or 1524-C.~~

Sec. 3. 32 MRSA §1521, sub-§1, as enacted by PL 1997, c. 749, §3, is repealed.

Sec. 4. 32 MRSA §1521, sub-§§1-B to 1-D are enacted to read:

1-B. Accredited. "Accredited" means an educational institution that is approved by the United States Department of Education or a regional or national accrediting agency recognized by the United States Department of Education.

1-C. American Sign Language proficiency interview. "American Sign Language proficiency interview" means a holistic language evaluation that is used to determine global American Sign Language proficiency and that is administered by an educational testing service organization and evaluated by an American Sign Language evaluation service organization recognized by the director.

1-D. Conditional license. "Conditional license" means a license granted to an applicant who has completed the educational requirements under section 1524-C, passed a national interpreter certification knowledge exam and passed an American Sign Language proficiency interview but who is not certified with the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the director.

Sec. 5. 32 MRSA §1521, sub-§3-A is enacted to read:

3-A. Director. "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

Sec. 6. 32 MRSA §1521, sub-§6, as amended by PL 1999, c. 399, §6 and §20, is further amended to read:

6. Interpreter. "Interpreter ~~or transliterator~~" means a person who provides any of the following services:

~~A. English based transliterating, which includes but is not limited to conveying a message by visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English;~~