

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1532

H.P. 1052

House of Representatives, April 25, 2017

An Act To Modernize the Laws Governing Maine Harness Racing

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MAREAN of Hollis.

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

2 **Sec. 1. 8 MRSA §262**, as amended by PL 1991, c. 579, §5, is further amended to
3 read:

4 **§262. Organization**

5 Three of the members of the commission constitute a quorum to do business. The
6 commission shall meet ~~at least monthly~~ as necessary to accomplish the purposes of this
7 chapter and shall keep a record of all proceedings of the commission and preserve all
8 books, maps, documents, papers and records entrusted to its care.

9 **Sec. 2. 8 MRSA §263-A, sub-§5** is enacted to read:

10 **5. Establishing minimum number of race dates for commercial tracks.** The
11 commission shall establish a minimum number of race dates for commercial tracks.

12 **Sec. 3. 8 MRSA §263-B, sub-§4** is enacted to read:

13 **4. Oversight of disbursements.** The department may require licensees to provide
14 financial records and reports related to sections 281, 298, 299 and 300. The department
15 may audit records and reports provided under this subsection.

16 **Sec. 4. 8 MRSA §264**, as amended by PL 2003, c. 401, §5, is further amended to
17 read:

18 **§264. Employees**

19 The department may employ such personnel as it considers necessary to provide
20 adequate oversight and enforcement and to carry out the purposes of this chapter, subject
21 to the Civil Service Law. The department may fix the compensation of the employees on
22 a per diem basis, subject to the Civil Service Law.

23 Notwithstanding the provisions of this section, all officials whose presence is
24 regularly required at a race meet must be licensed by the commission. The commission
25 shall ~~appoint the presiding judge and associate judges on an annual basis with the consent~~
26 ~~of the licensee~~ adopt rules providing for standards for the licensure and conduct of
27 presiding and associate judges. ~~The licensee shall employ judges appointed in~~
28 ~~accordance with this section on an annual basis. The commission shall provide the list of~~
29 ~~approved judges in accordance with section 279-C.~~ For purposes of the Maine Tort
30 Claims Act, the presiding judge and associate judges ~~appointed~~ licensed pursuant to this
31 section are deemed to be employees of the State, as those terms are defined in Title 14,
32 section 8102, subsections 1 and 4. ~~The licensee may terminate the employment of a~~
33 ~~presiding or associate judge hired under this section only with the consent of the~~
34 ~~commission.~~

35 ~~In determining whether a presiding or associate judge may be terminated by a~~
36 ~~licensee, the commission shall consider improper conduct on behalf of the employee,~~

1 failure to enforce the rules prescribed by the commission, malfeasance, violation of
2 commission rules or behavior detrimental to the conduct of racing.

3 When a presiding judge or an associate judge is required to attend an appeal hearing
4 under section 263-A before the commission, the judge is entitled to mileage
5 reimbursement consistent with Title 5, section 8 and a per diem of \$100 per day. To
6 receive compensation for appearance at an appeal hearing, a presiding judge or associate
7 judge must submit an expense voucher consistent with Title 5, section 12002-C.

8 **Sec. 5. 8 MRSA §267**, as amended by PL 2007, c. 539, Pt. G, §§4 and 5 and
9 affected by §15, is further amended to read:

10 **§267. Budget; report**

11 **1. Budget.** The commission shall develop or revise a recommended operating
12 budget covering All Other account expenses for ~~each fiscal year~~ of the biennium in
13 accordance with this subsection. Funding for the commission is provided entirely from
14 the operating account established in section 267-A.

15 A. On or before August 1st of even-numbered years the commission shall hold a
16 hearing to make findings regarding and develop its recommended operating budget
17 covering All Other account expenses for the biennium. The commission shall
18 provide notice of the hearing in accordance with Title 5, section 9052, and notice
19 must be provided to persons who receive distributions from the funds established by
20 sections 281, 298, 299 and 300 and Title 7, section 91. Based on the information
21 obtained during the hearing, the commission shall submit to the commissioner as
22 provided in Title 5, section 1665 a budget consistent with this subsection that is
23 sufficient to carry out the provisions of this chapter, and the commissioner shall
24 transmit this budget to the Bureau of the Budget without any revision, alteration or
25 change. The commission shall submit a copy of this budget with any desired
26 comments to the joint standing committee of the Legislature having jurisdiction over
27 agricultural matters, ~~to the joint standing committee of the Legislature having~~
28 ~~jurisdiction over appropriations and financial affairs and to the Executive Director of~~
29 ~~the Legislative Council.~~

30 ~~B. On or before August 1st of odd-numbered years the commission shall hold a~~
31 ~~hearing to make findings regarding and develop any revisions to its budget for the~~
32 ~~second fiscal year of the biennium. The commission shall provide notice of the~~
33 ~~hearing in accordance with Title 5, section 9052, and notice must be provided to~~
34 ~~persons who receive distributions from the funds established by sections 281, 298,~~
35 ~~299 and 300 and Title 7, section 91. After the hearing, the commission may submit~~
36 ~~to the commissioner any recommended revisions to its budget, and the commissioner~~
37 ~~shall transmit these changes to the Bureau of the Budget without any revision,~~
38 ~~alteration or change. The commission shall submit a copy of this revised budget with~~
39 ~~any desired comments to the joint standing committee of the Legislature having~~
40 ~~jurisdiction over agricultural matters, to the joint standing committee of the~~
41 ~~Legislature having jurisdiction over appropriations and financial affairs and to the~~
42 ~~Executive Director of the Legislative Council.~~

1 Any budgetary increases proposed by the commission in developing its recommended
2 budget ~~for fiscal year 2010 and thereafter~~ must be reasonable and related to expansion in
3 the number of racing days, the numbers of races held, the ~~need to maintain competitive~~
4 ~~salaries, expansion of programs and activities as recommended by the commission~~ or
5 inflation.

6 **2. Annual report.** By May 1st annually, the commission shall make a report to the
7 commissioner ~~with copies to the Governor, the joint standing committee of the~~
8 ~~Legislature having jurisdiction over agricultural matters and the Executive Director of the~~
9 ~~Legislative Council.~~ This report must include an account of the commission's operations
10 and actions, a report of its financial position, including receipts and disbursements, an
11 account of the practical effects of application of this chapter and any recommended
12 legislation. The operations report must include the number and types of violations of
13 racing laws and rules, the disposition of those violations and the amount of time required
14 for their disposition, including a history of any appeals. The report must include the date
15 and amount of each administrative assessment withdrawn in accordance with section
16 267-A from each of the assessed funds under section 267-A, subsection 4.

17 **Sec. 6. 8 MRSA §268, first ¶**, as amended by PL 1999, c. 394, §1, is further
18 amended to read:

19 The commission shall adopt rules for holding, conducting and operating all harness
20 horse races or meets for public exhibition held in this State; for the establishment of a
21 minimum number of race dates at commercial tracks; and for the operation of racetracks
22 on which any such race or meet is held; ~~notwithstanding any other provision of law,~~
23 ~~harness horse races or meets licensed to be held on Sunday may commence at, but not~~
24 ~~before, noon.~~

25 **Sec. 7. 8 MRSA §268, 2nd ¶**, as amended by PL 1993, c. 388, §3, is further
26 amended to read:

27 The commission may adopt rules for licensing and operating off-track betting
28 facilities. The commission shall ~~mail notice of~~ submit proposed rules or proposed
29 amendments to rules related to off-track betting to each member of the joint standing
30 committee of the Legislature having jurisdiction over legal affairs ~~matters~~ and to each
31 member of the joint standing committee of the Legislature having jurisdiction over
32 agricultural matters not less than 20 days before a public hearing on the proposed rule or
33 amendment and not less than 20 days before adoption of such a rule or amendment
34 without a public hearing. The notice must include a copy of the proposed rule or
35 amendment.

36 **Sec. 8. 8 MRSA §271, sub-§1**, as amended by PL 2003, c. 687, Pt. B, §3 and
37 affected by §11, is further amended to read:

38 **1. Licensing.** If the commission is satisfied that all of this chapter and rules
39 prescribed by the commission have been substantially complied with during the past year
40 and will be fully complied with during the coming year by the person, association or
41 corporation applying for a license; that the applicant, its members, directors, officers,
42 shareholders, employees, creditors and associates are of good moral character; that the

1 applicant is financially responsible; and that the award of racing dates to the applicant is
2 appropriate under the criteria contained in subsection 2, it may issue a license for the
3 holding of harness horse races or meets for public exhibition with pari-mutuel pools,
4 which must expire on December 31st. The fee for a license ~~is \$100 or \$10 per week,~~
5 ~~whichever is higher~~ is established by the commission. The commission shall ~~provide a~~
6 ~~booklet containing~~ make available harness racing laws and rules and relevant portions of
7 the Maine Administrative Procedure Act to every initial licensee ~~and a fee not to exceed~~
8 ~~\$10 must be included in the license fee to cover the cost of this publication.~~ ~~The~~
9 ~~commission shall provide necessary revisions of this booklet to those persons renewing~~
10 ~~licenses at the time of renewal and shall include the cost of the revisions, not to exceed~~
11 ~~\$10, in the renewal fee.~~ The license must set forth the name of the licensee, the place
12 where the races or race meets are to be held and the specific race dates and time of day or
13 night during which racing may be conducted by the licensee. If the commission
14 determines that the location where a commercial track is licensed to conduct races is
15 unavailable, it may permit a licensee to transfer its license to another location. The
16 substitute location and the races conducted there by the licensee must be conducted in
17 accordance with this chapter. A license issued pursuant to this subsection is not
18 transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5,
19 may revoke any license issued at any time for violation of the commission's rules or
20 licensing provisions upon notice and hearing. The license is automatically revoked,
21 subject to Title 5, chapter 375, upon a change in ownership, legal or equitable, of 50% or
22 more of the voting stock of the licensee; the licensee may not hold a harness horse race or
23 meet for public exhibition without a new license.

24 **Sec. 9. 8 MRSA §271, sub-§2,** as amended by PL 2007, c. 539, Pt. G, §7 and
25 affected by §15 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

26 **2. Minimum number of race days; criteria for date awards.** The commission
27 shall determine the number of race days that should be awarded to licensed applicants
28 pursuant to this section based on the criteria set forth herein. The commission may award
29 fewer than the minimum race days set forth in section 275-A, subsection 1 to commercial
30 tracks with the express written approval of the track, and with the express written
31 approval of an association of horsemen as defined in section 272-B, if credible evidence
32 is presented that demonstrates that fewer race days is in the best interest of Maine's
33 harness racing industry. The award of fewer race days than set forth in section 275-A,
34 subsection 1 may not affect the status of those tracks as commercial tracks pursuant to
35 section 299. In assigning race dates to licensees, the commission shall consider the
36 following factors:

37 A. The revenues to be generated, consistent with the profitability and financial health
38 of the licensee, for the operating account pursuant to section 287; the purse
39 supplements pursuant to section 286; the Sire Stakes Fund pursuant to section 281;
40 and the Stipend Fund pursuant to Title 7, section 86;

41 B. The quality of race programming and facilities offered and to be offered by the
42 licensee and the suitability of the applicant's racing facilities for operation at the
43 season for which the race dates are requested;

- 1 C. The necessity of having and maintaining proper physical facilities for racing
2 meetings; and consequently, to ~~insure~~ ensure the continuance of the facilities, the
3 quality of the licensee's maintenance of its track and plant, the adequacy of its
4 provisions for rehabilitation and capital improvements and the necessity of fair
5 treatment of the economic interests and investments of those who, in good faith, have
6 provided and maintained racing facilities;
- 7 D. The desirability of reasonable consistency in the pattern of race date assignments
8 from year to year;
- 9 E. With respect to agricultural societies seeking licenses to conduct harness racing
10 meets at the time of their annual fairs, the scheduling of agricultural fairs determined
11 by the Commissioner of Agriculture, Conservation and Forestry pursuant to Title 7,
12 sections 83 and 84;
- 13 F. The preservation of a diversity of harness racing tracks in the State;
- 14 G. The quality of the licensee's observance and enforcement of this chapter and the
15 rules ~~promulgated~~ adopted pursuant to this chapter during the past year;
- 16 H. The extent to which the licensee fully utilized race dates granted to it for the past
17 year;
- 18 I. The personnel and resources available to the commission for the enforcement of
19 this chapter and the rules ~~promulgated~~ adopted pursuant to this chapter;
- 20 J. The likely availability of race-worthy horses throughout the year with a goal of
21 promoting full cards and avoiding 5-horse fields; and
- 22 K. Such other criteria consistent with the betterment of harness racing and the public
23 health, safety and welfare as the commission may establish by rule.

24 **Sec. 10. 8 MRSA §271, sub-§5**, as amended by PL 1995, c. 408, §3, is further
25 amended to read:

26 **5. Minimum number of race dates.** The commission may assign a commercial
27 licensee a minimum number of race dates for a period of up to 3 years. The specific
28 calendar dates for the minimum number of race dates and any additional race dates are
29 determined each year in accordance with subsection 1. For the purposes of this
30 subsection, "commercial licensee" means a licensee with an annual total of ~~more than~~ at
31 least 25 race dates with pari-mutuel wagering in the previous calendar year.

32 **Sec. 11. 8 MRSA §271, sub-§7**, as reallocated by RR 1997, c. 1, §5, is amended
33 to read:

34 **7. Hearing on horse supply.** Prior to August 31st of each year, the commission
35 shall conduct a hearing to determine whether the horse supply in the State has been
36 adequate for the number of dashes conducted on assigned race dates. If the commission
37 concludes that the horse supply has been inadequate, the commission shall limit to the
38 extent necessary the number of dashes that a licensee may race on any date after August
39 1st of that year that has been assigned to more than one track. The commission may not
40 restrict the number of dashes to fewer than ~~10~~ 8.

1 **Sec. 12. 8 MRSA §271, sub-§9**, as reallocated by RR 1997, c. 1, §7, is repealed.

2 **Sec. 13. 8 MRSA §272-C, sub-§§1 and 2**, as enacted by PL 2013, c. 490, §2,
3 are amended to read:

4 **1. Establishment; deposits.** A licensee conducting live racing in the State shall
5 establish a trust account for the benefit of the persons who race horses at that licensee's
6 facility. Except as provided by subsection 3, funds distributed to or retained by the
7 licensee pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any
8 administrative assessments pursuant to section 267-A, that must be used to pay or
9 supplement harness racing purses must be deposited in that account and used exclusively
10 to pay harness racing purses. The funds in a trust account established in accordance with
11 this subsection are not considered to be property of the licensee, may not be pledged as
12 security for the debts of the licensee and are not subject to attachment or execution by
13 creditors of the licensee. The commission may adopt rules to provide for the allocation of
14 purse money and oversight of the trust account. Rules adopted pursuant to this
15 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

16 **2. Payment if licensee fails to conduct racing.** If a licensee ceases to operate and
17 therefore fails to conduct a race meet racing during any of the assigned race dates in a
18 calendar year, all funds not committed to pay purses held in the trust account established
19 under this section by that licensee must be returned within 15 days to the commission,
20 which shall return to the licensee any amount that represented a reimbursement that
21 equaled an overpayment of harness racing purses. Any remaining balance of the trust
22 account must be redistributed by the commission to the trust accounts of all racetracks
23 that continue to conduct live racing in the State, with each track receiving that portion of
24 money determined by multiplying the amount of money available for redistribution by a
25 fraction, the numerator of which is the number of race dates at that racing facility during
26 the prior calendar year and the denominator of which is the total number of race dates
27 throughout the State during that year, except that those funds received by a licensee
28 pursuant to section 298 must be returned to the fund to supplement harness racing purses
29 established in section 298 and must be distributed according to that section.

30 **Sec. 14. 8 MRSA §275-A, sub-§1**, as amended by PL 2013, c. 490, §3, is further
31 amended to read:

32 **1. Commercial track.** "Commercial track" means a any harness horse racing track
33 that is a for-profit business and is licensed under this chapter to conduct harness horse
34 racing with pari-mutuel wagering that is not associated with an agricultural fair as
35 defined in Title 7, section 81 and that:

36 A. If the population of the region is 300,000 or more, based on the 1990 U.S.
37 Census, conducted racing on more than ~~400~~ 69 days in each of the previous 2
38 calendar years, except that if a racetrack that qualifies as a commercial track under
39 this paragraph ceases operation, a separate racetrack operated by the owner or
40 operator of the racetrack that ceased operation qualifies as a commercial track, and
41 for all purposes is considered the same commercial track as the track that ceased
42 operation, if the population of the region of that separate racetrack is 300,000 or
43 more, based on the 1990 U.S. Census, and the sum of the number of days on which

1 racing was conducted at the track that ceased operation and the number of days on
2 which racing was conducted at the separate racetrack equals at least ~~100~~ 70 days in
3 each of the 2 preceding calendar years;

4 B. If the population of the region is less than 300,000, based on the 1990 U.S.
5 Census, conducted racing on more than ~~25~~ 34 days in each of the previous 2 calendar
6 years, except that if a racetrack that qualifies as a commercial track under this
7 paragraph ceases operation, a separate racetrack operated by the owner or operator of
8 the racetrack that ceased operation qualifies as a commercial track, and for all
9 purposes is considered the same commercial track as the track that ceased operation,
10 if the population of the region of that separate racetrack is less than 300,000, based on
11 the 1990 U.S. Census, and the sum of the number of days on which racing was
12 conducted at the track that ceased operation and the number of days on which racing
13 was conducted at the separate racetrack equals at least ~~26~~ 35 days in each of the 2
14 preceding calendar years;

15 C. Began operation after January 1, 2014 in a region with a population of 300,000 or
16 more, based on the 1990 U.S. Census, to replace a commercial track as defined by
17 paragraph A that ceased operation after January 1, 2014 and for which no separate
18 racetrack has been opened by the owner or operator of that commercial track that
19 ceased operation. For purposes of this paragraph, a racetrack is not required to have
20 conducted racing during the 2 preceding calendar years but is required to conduct
21 racing on at least ~~100~~ 70 days during each calendar year after the track is initially
22 licensed as a commercial track. If a commercial track under this paragraph has not
23 been granted ~~100~~ 70 race days by the commission for the initial calendar year of
24 operation, race days conducted during that year by the commercial track that ceased
25 operation after January 1, 2014 are credited to the replacement commercial track; or

26 D. Began operation after January 1, 2014 in a region with a population of less than
27 300,000, based on the 1990 U.S. Census, to replace a commercial track as defined by
28 paragraph B that ceased operation after January 1, 2014 and for which no separate
29 racetrack has been opened by the owner or operator of that commercial track that
30 ceased operation. For purposes of this paragraph, a racetrack is not required to have
31 conducted racing during the 2 preceding calendar years but is required to conduct
32 racing on at least ~~25~~ 35 days during each calendar year after the track is initially
33 licensed as a commercial track. If a commercial track under this paragraph has not
34 been granted ~~25~~ 35 race days by the commission for the initial calendar year of
35 operation, race days conducted during that year by the commercial track that ceased
36 operation after January 1, 2014 are credited to the replacement commercial track.

37 For the purposes of this subsection, "region" is determined by measuring a distance of 50
38 miles from the center of the racing track along the most commonly used roadway, as
39 determined by the Department of Transportation, drawing a circle around the center of
40 the racing track using that 50-mile measurement and excluding those municipalities or
41 unorganized territories that do not have boundaries contained entirely by that circle.

42 **Sec. 15. 8 MRSA §275-A, sub-§9-A**, as enacted by PL 1995, c. 408, §5, is
43 amended to read:

1 **9-A. Race date.** "Race date" means a scheduled date awarded by the commission
2 pursuant to section 271 for which there is a racing program of not less than 8 separate live
3 races. In the event of cancellation of a portion of the scheduled racing program due to
4 weather, power failure or a decision to cancel by the presiding judge on duty, a minimum
5 of 5 live races actually raced constitutes a race date. If a licensee schedules separate
6 programs for both an afternoon and an evening on the same calendar day and each
7 program qualifies as a race date under this subsection, that licensee is granted one race
8 date for each program.

9 **Sec. 16. 8 MRSA §275-A, sub-§9-B** is enacted to read:

10 **9-B. Race day.** "Race day" means a scheduled day of racing awarded by the
11 commission pursuant to section 271 on which racing occurred.

12 **Sec. 17. 8 MRSA §275-A, sub-§10-A,** as enacted by PL 1995, c. 408, §6, is
13 amended to read:

14 **10-A. Regular meeting.** "Regular meeting" means the period of time from the first
15 date a licensee is authorized to conduct live racing through the last date a licensee is
16 authorized to conduct live racing, excluding periods of time longer than 14 days when the
17 licensee is not authorized to conduct live racing. ~~Notwithstanding this subsection, the~~
18 ~~regular meeting of a licensee that is licensed to conduct live racing in at least 6 separate~~
19 ~~calendar months includes the entire calendar year.~~

20 **Sec. 18. 8 MRSA §275-N,** as amended by PL 2015, c. 200, §2, is further amended
21 to read:

22 **§275-N. Limitations on off-track betting facilities**

23 The commission may allow interstate simulcasting and license any off-track betting
24 facility regardless of the number of race dates that were conducted in the State for any
25 calendar year. Interstate simulcasting always must be allowed at any commercial track
26 that conducted at least 136 race dates during the immediately preceding 2 calendar years
27 ~~or at an existing commercial track as defined in section 275-A, subsection 1, paragraph B~~
28 ~~at which at least 35 race dates were conducted during the preceding 2 years if the~~
29 ~~interstate simulcasting at the commercial track is conducted during the regular meeting.~~
30 For the purposes of this section, any race date that the commission determines was
31 canceled due to a natural or other disaster must be counted as a race date. For the
32 purposes of this section and for the purpose of meeting the requirements of section
33 275-A, subsection 1, any race date that is canceled at a commercial race track due to the
34 inability to meet the requirements of section 275-A, subsection 9-A because of a horse
35 shortage, as verified by the state steward, is counted as a race date.

36 **Sec. 19. 8 MRSA §276-B,** as enacted by PL 2013, c. 490, §4, is amended to read:

37 **§276-B. Commercial track ceases operation; entitled to funds**

38 Other than funds used exclusively to pay harness racing purses, a commercial track
39 that ceases operation is entitled to distribution of all funds maintained by the State under

1 this chapter based on the number of race days conducted by that commercial track up to
2 and including the final racing date conducted by that commercial track. Payments due
3 from a commercial track that ceases operation to any in-state commercial track,
4 agricultural fair or off-track wagering licensee must be made from the funds under this
5 section prior to distribution to the commercial track that has ceased operation.

6 **Sec. 20. 8 MRSA §277**, as amended by PL 2013, c. 16, §10, is further amended to
7 read:

8 **§277. Records**

9 Every person, association or corporation conducting a race or race meet under the
10 provisions of this chapter shall so keep its books and records as to clearly show all
11 financial transactions ~~relating to racing~~ related to sections 281, 298, 299 and 300, which
12 books and records ~~shall be~~ are subject to audit at any time by the department or the Office
13 of the State Auditor.

14 **Sec. 21. 8 MRSA §279-E**, as enacted by PL 2007, c. 611, §8, is amended to read:

15 **§279-E. Trainers; duty to submit a horse for testing for use of prohibited substances**

16 Upon request of the commission, a person who signs an application for and receives a
17 trainer's license in accordance with this chapter and rules adopted under section 279-A
18 shall submit a horse trained by that licensee, qualified to race and identified by the
19 commission for the purpose of obtaining a ~~blood~~ biological sample to test for the use of
20 prohibited substances.

21 **1. Obtaining a sample.** Pursuant to this section, the commission may require a
22 licensed trainer to:

23 A. Transport the horse to a designated site where a veterinarian employed by the
24 commission or the department may ~~draw a blood~~ obtain a biological sample; or

25 B. Allow a veterinarian employed by the commission or the department, or a
26 veterinarian designated by the commission and accompanied by ~~a state steward~~
27 designated department personnel, access to the premises where the horse is kept for
28 the purpose of obtaining a ~~blood~~ biological sample.

29 **2. Rulemaking.** The commission shall adopt rules establishing a procedure for
30 obtaining ~~blood~~ biological samples and ensuring a secure chain of custody for
31 transporting the sample to a laboratory for testing. The rules must consider travel
32 distances and costs associated with obtaining a sample when designating a testing site and
33 may assess a fee to defray travel costs for the veterinarian and ~~the state steward~~
34 designated department personnel. Rules adopted pursuant to this subsection are routine
35 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

36 **3. Refusal.** Refusal to comply with the commission's directives for obtaining a
37 sample under this section is a basis for suspension of a trainer's license.

1 **Sec. 22. 8 MRSA §283**, as amended by PL 2013, c. 155, §2, is further amended to
2 read:

3 **§283. Reciprocal disciplinary action**

4 The department shall obtain current listings from other jurisdictions of persons in
5 harness racing occupations regulated by the commission who have been refused a license
6 or who have had their license revoked or suspended. The commission shall refuse to
7 license or shall suspend the license of any person ~~who has been refused a license or who~~
8 ~~has had that person's~~ whose license is currently refused, revoked or suspended in another
9 jurisdiction ~~until notification from the jurisdiction that refused to license or suspended or~~
10 ~~revoked the license of the person that the person is again eligible for licensing in that~~
11 ~~jurisdiction.~~

12 **Sec. 23. 8 MRSA §299, sub-§1**, as amended by PL 2007, c. 539, Pt. G, §11 and
13 affected by §15, is further amended to read:

14 **1. Fund created.** The Fund to Encourage Racing at Maine's Commercial Tracks is
15 established to provide revenues to Maine's commercial tracks. The fund is a dedicated,
16 nonlapsing fund. All revenues deposited in the fund remain in the fund and must be
17 disbursed in accordance with this section, except that assessments and advances may be
18 withdrawn in accordance with section 267-A. The commission may adopt rules to
19 establish standards for the use of the fund.

20 **Sec. 24. 8 MRSA §299, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §4 and
21 affected by Pt. B, §11, is amended to read:

22 **2. Distribution.** On May 30th, September 30th and January 30th, all amounts
23 credited to the fund established by this section as of the last day of the preceding month
24 and not distributed before that day must be distributed to each commercial track licensed
25 under section 271, with each track receiving that amount of the money available for
26 distribution determined by multiplying that amount times a fraction, the numerator of
27 which is the total number of ~~live race days conducted by~~ race day credits awarded to
28 the commercial track during the preceding time period and the denominator of which is the
29 total number of race ~~days conducted by~~ day credits awarded for all commercial tracks
30 licensed under section 271 during that time period. The payment in January must be
31 adjusted so that for the prior 3 time periods each commercial track receives that fraction
32 of the total money distributed over the full year from the fund established by this section,
33 the amount determined by multiplying the total amount of money times a fraction, the
34 numerator of which is the number of live race ~~days conducted~~ day credits actually earned
35 by the commercial track during the calendar year and the denominator of which is the
36 total number of race ~~days conducted~~ day credits actually earned by all commercial tracks
37 licensed under section 271 during that calendar year.

38 **Sec. 25. 8 MRSA §299, sub-§3**, as enacted by PL 2015, c. 493, §3, is amended to
39 read:

40 **3. Track closure distribution.** Notwithstanding subsection 2, if a commercial track
41 ceases operation and is not immediately replaced by a commercial track in the same

1 region that is owned by the same owner as the commercial track that ceased operation, all
2 amounts credited to the fund established by this section must be disbursed to the
3 remaining commercial tracks and to agricultural fair licensees that conduct live racing
4 based on days raced during extended meets up to a maximum of 100 days raced during
5 extended meets per year and until such time as a new commercial track begins operation.
6 If a commercial track ceases operation, the commission may vary from the distribution
7 schedule set forth in subsection 2 to facilitate racing at other licensed tracks in the State.
8 The payment to a commercial track or agricultural fair is determined ~~by dividing the~~
9 ~~amount in the fund by 150 and multiplying the result by the number of days raced by that~~
10 ~~commercial track or agricultural fair pursuant to subsections 2 and 5, with agricultural~~
11 ~~fair licenses conducting live racing during attended meets receiving race day credits as~~
12 ~~determined in subsection 5 in a similar manner as commercial race tracks receive race~~
13 ~~day credits.~~ An agricultural fair must receive its payment ~~on~~ no later than May 30th
14 before extended meets are held based on assigned dates for extended meets for that
15 agricultural fair. An adjustment must be made no later than the January 30th following
16 the extended meets that results in payment to an agricultural fair based on days actually
17 raced during extended meets by that agricultural fair. Any amount remaining in the fund
18 on January 30th after payments are made to commercial tracks and agricultural fairs must
19 be transferred to the operating account of the commission under section 267-A.

20 For the purposes of this subsection, "region" is determined by measuring a distance of 50
21 miles from the center of the racing track along the most commonly used roadway, as
22 determined by the Department of Transportation, drawing a circle around the center of
23 the racing track using that 50-mile measurement and excluding those municipalities or
24 unorganized territories that do not have boundaries contained entirely by that circle.

25 **Sec. 26. 8 MRSA §299, sub-§5** is enacted to read:

26 **5. Race day credits.** For the purposes of this section, race day credits are awarded
27 as follows:

28 A. One race day credit is earned for each day actually raced;

29 B. One additional race day credit is earned for each day raced when no other
30 association licensed under section 271 is scheduled to race; and

31 C. One additional race day credit is earned for each day raced during the months of
32 March and December. A maximum of 12 race day credits may be awarded per
33 commercial track for the month of March and a maximum of 12 race day credits may
34 be awarded per commercial track for the month of December.

35 **Sec. 27. 8 MRSA §1037, first ¶**, as enacted by PL 2011, c. 358, §6 and amended
36 by c. 657, Pt. W, §6, is further amended to read:

37 Beginning February 15, 2012, the executive director of the State Harness Racing
38 Commission, in consultation with the Commissioner of Agriculture, Conservation and
39 Forestry, annually shall submit a report to the joint standing committees of the
40 Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and
41 appropriations and financial affairs regarding the use of slot machine revenue deposited
42 in funds under section 1036, subsection 2, paragraphs B, C, D, H and I. The executive

1 director and the commissioner shall obtain the information as described in this section.
2 The report required by this section must be completed using budgeted resources. The
3 executive director may not distribute funds listed under section 1036, subsection 2, as
4 applicable, to harness racing tracks, off-track betting facilities, agricultural fairs or the
5 Sire Stakes Fund under section 281 until the information required to submit the report
6 required by this section is provided. The report required by this section may be combined
7 with the report required under section 267.

8 **SUMMARY**

9 This bill amends the laws governing harness racing to require meetings of the State
10 Harness Racing Commission as necessary rather than monthly; authorize the commission
11 to adopt rules providing for standards for licensure and conduct of presiding and associate
12 judges; remove a provision directing the annual appointment of judges by the
13 commission; modify budget requirements to account for current processes; eliminate the
14 requirement for the State Harness Racing Commission to provide paper copies of law
15 booklets to licensees; give the commission authority to request and audit financial
16 records; clarify when purse money must be repaid to the commission for redistribution;
17 place the establishment of minimum race date determinations under the purview of the
18 commission; amend the definition of "commercial track" and "race date" and add a
19 definition of "race day"; change the way disbursements from the Fund to Encourage
20 Racing at Maine's Commercial Tracks are calculated; authorize the commission to require
21 that a biological sample, instead of a blood sample, of a horse be taken to test for
22 prohibited substances; and reduce redundant reporting.