

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1328, L.D. 1984, "An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine"

Amend the bill in Part A by striking out all of section 10.

Amend the bill in Part A in section 23 in §3855 in the first indented paragraph in the 3rd line (page 7, line 15 in L.D.) by inserting after the following: "after the" the following: 'order of'

Amend the bill in Part A by striking out all of sections 37 to 48, 59 to 62, 69, 80 and 81.

Amend the bill by inserting after Part A the following:

PART B

Sec. B-1. 5 MRSA §81, as amended by PL 1977, c. 674, §1, is further amended to read:

§81. Office and duties; vacancy; salary; expenses; fees

The Department of the Secretary of State, as ~~heretofore~~ established, ~~shall consist~~ consists of the Secretary of State, the State Archives and such other state departments and agencies as are by law subject to the direction of the Secretary of State. The secretary shall keep ~~his~~ the Secretary of State's office at the seat of government; have the custody of the state seal and preserve all records in ~~such~~ that office, at the expense of the State. The Secretary of State may appoint deputy secretaries of state who ~~shall~~ serve at the pleasure of the Secretary of State. The secretary shall designate one of ~~his~~ the deputies as first deputy secretary of state. When a vacancy happens in the office of Secretary of State during the recess of the Legislature, the first deputy secretary of state shall act as Secretary of State until a Secretary of State is elected by the Legislature. ~~Such~~ That deputy shall take the oath required of the elected Secretary of State and must have the same compensation while ~~he~~ performs performing the duties of the office.

1 The Secretary of State and ~~his deputy shall~~ any deputy secretaries of state must receive
2 such actual traveling expenses incident to the administration of ~~his department~~ the
3 Department of the Secretary of State as ~~shall be~~ are necessary.

4 The Secretary of State shall collect the legal and usual fees payable to ~~him by virtue of~~
5 ~~his office~~ the Secretary of State and shall pay them over ~~forthwith~~ immediately to the
6 Treasurer of State.

7 **Sec. B-2. 8 MRSA §263-A, sub-§7**, as enacted by PL 2017, c. 371, §1, is amended
8 to read:

9 **7. Input on the promotion of harness racing.** The commission shall invite input
10 from a statewide association of harness ~~horsemen~~ horse owners, trainers and drivers, a
11 statewide association of Standardbred breeders, a statewide association of agricultural fairs
12 and persons who are members of organizations representing the interests of commercial
13 harness racing tracks and off-track betting facilities on the marketing and promotion of
14 harness racing in this State.

15 **Sec. B-3. 8 MRSA §271, sub-§2**, as amended by PL 2019, c. 626, §§4 to 6, is
16 further amended to read:

17 **2. Minimum number of race days; criteria for date awards.** The commission shall
18 determine the number of race days that should be awarded to licensed applicants pursuant
19 to this section based on the criteria set forth herein. The commission may award fewer than
20 the minimum race days set forth in section 275-A, subsection 1 to commercial tracks with
21 the express written approval of the track, and with the express written approval of an
22 association of ~~horsemen~~ horse owners, trainers and drivers as defined in section 272-B, if
23 credible evidence is presented that demonstrates that fewer race days is in the best interest
24 of Maine's harness racing industry. The award of fewer race days than set forth in section
25 275-A, subsection 1 may not affect the status of those tracks as commercial tracks pursuant
26 to section 299. In assigning race dates to licensees, the commission shall consider the
27 following factors:

28 A. The revenues to be generated, consistent with the profitability and financial health
29 of the licensee and the development of revenues from interstate simulcasting of the
30 licensee's race programming, for the operating account pursuant to section 287; the
31 purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section
32 281; and the Stipend Fund pursuant to Title 7, section 86;

33 B. The quality of race programming and facilities offered and to be offered by the
34 licensee, the suitability of the applicant's racing facilities for operation at the season for
35 which the race dates are requested and the ability of the applicant to offer racing at
36 night;

37 C. The necessity of having and maintaining proper physical facilities for racing
38 meetings, including the ability to maintain ownership of or a leasehold on the facilities;
39 and consequently, to ensure the continuance of the facilities, the quality of the
40 licensee's maintenance of its track and plant, the adequacy of its provisions for
41 rehabilitation and capital improvements and the necessity of fair treatment of the
42 economic interests and investments of those who, in good faith, have provided and
43 maintained racing facilities;

1 D. The desirability of reasonable consistency in the pattern of race date assignments
2 from year to year;

3 E. With respect to agricultural societies seeking licenses to conduct harness racing
4 meets at the time of their annual fairs, the scheduling of agricultural fairs determined
5 by the Commissioner of Agriculture, Conservation and Forestry pursuant to Title 7,
6 sections 83 and 84;

7 F. The preservation of a diversity of harness racing tracks in the State;

8 G. The quality of the licensee's observance and enforcement of this chapter and the
9 rules adopted pursuant to this chapter during the past year;

10 H. The extent to which the licensee fully utilized race dates granted to it for the past
11 year;

12 I. The personnel and resources available to the commission for the enforcement of this
13 chapter and the rules adopted pursuant to this chapter;

14 J. The likely availability of race-worthy horses throughout the year with a goal of
15 promoting full cards and avoiding 5-horse fields; and

16 K. Such other criteria consistent with the betterment of harness racing and the public
17 health, safety and welfare as the commission may establish by rule.

18 If the executive director or the commission determines that any of the criteria listed in this
19 subsection have not been met by the licensee, the executive director shall submit a notice
20 of the deficiency in meeting any criteria to the licensee, regardless of whether the
21 deficiency resulted in the denial of the application for or the refusal to award race dates.
22 The director shall also submit a copy of the notice in the same manner and at the same time
23 to the joint standing committee of the Legislature having jurisdiction over agriculture
24 matters.

25 **Sec. B-4. 8 MRSA §272-B, first ¶**, as amended by PL 2013, c. 490, §1, is further
26 amended to read:

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

36 **Sec. B-5. 8 MRSA §272-C, sub-§1**, as amended by PL 2017, c. 231, §13, is further
37 amended to read:

38 **1. Establishment; deposits; rules.** A licensee conducting live racing in the State shall
39 establish a trust account for the benefit of the persons who race horses at that licensee's
40 facility. Except as provided by subsection 3, funds distributed to or retained by the licensee
41 pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any
42 administrative assessments pursuant to section 267-A, that must be used to pay or
43 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. The commission may adopt rules governing the handling of trust accounts, providing for the reallocation of trust account funds to other licensed commercial tracks in the event that a track ceases operation or cancels a significant number of race days, as determined by the commission, and governing the handling of harness racing purses at any commercial track that does not have a contract with a statewide ~~horsemen~~ association of horse owners, trainers and drivers. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. B-6. 8 MRSA §275-A, sub-§1, ¶A, as repealed and replaced by PL 2021, c. 406, §1, is amended by amending subparagraph (2) to read:

(2) A determination by the commission under section 271, subsection 2, and with the express written approval of the track and of a statewide association of ~~horsemen~~ horse owners, trainers and drivers as defined in section 272-B, that a lesser number of race days is in the best interest of the State's harness horse racing industry; or

Sec. B-7. 8 MRSA §275-A, sub-§1, ¶B, as repealed and replaced by PL 2021, c. 406, §2, is amended by amending subparagraph (2) to read:

(2) A determination by the commission under section 271, subsection 2, and with the express written approval of the track and of a statewide association of ~~horsemen~~ horse owners, trainers and drivers as defined in section 272-B, that a lesser number of race days is in the best interest of the State's harness horse racing industry.

Sec. B-8. 8 MRSA §275-D, sub-§8, ¶B, as amended by PL 1997, c. 528, §22, is further amended by amending subparagraph (2) to read:

(2) Either the association representing the ~~horsemen~~ horse owners, trainers and drivers at those tracks at that time or the commission.

Sec. B-9. 8 MRSA §286, sub-§1, ¶A, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 3.315%; and

Sec. B-10. 8 MRSA §286, sub-§1, ¶B, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 0.526%; and

Sec. B-11. 8 MRSA §286, sub-§2, ¶A, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (5) to read:

(5) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 7.871%;

Sec. B-12. 8 MRSA §286, sub-§2, ¶B, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (5) to read:

(5) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 5.062%;

Sec. B-13. 8 MRSA §286, sub-§3, ¶A, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 4.305%; and

Sec. B-14. 8 MRSA §286, sub-§3, ¶B, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 1.512%; and

Sec. B-15. 8 MRSA §286, sub-§5, ¶A, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 16.558%; and

Sec. B-16. 8 MRSA §286, sub-§5, ¶B, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 8.399%; and

Sec. B-17. 8 MRSA §286, sub-§7, ¶A, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 4.305%; and

Sec. B-18. 8 MRSA §286, sub-§7, ¶B, as enacted by PL 1997, c. 528, §46, is amended by amending subparagraph (6) to read:

(6) The ~~horsemen's~~ horse owners', trainers' and drivers' purse share is 1.512%; and

Sec. B-19. 8 MRSA §292, as amended by PL 2001, c. 300, §§2 and 3, is further amended to read:

§292. ~~Horsemen's~~ Horse owners', trainers' and drivers' purse share

Amounts calculated as ~~horsemen's~~ horse owners', trainers' and drivers' purse share under section 286 must be retained by the licensee to supplement purse money at the track where the wager was placed, except that, for wagers placed at a racetrack in the State on a simulcast race conducted at another racetrack in the State, 1.512% of the regular wagers and 4.305% of the exotic wagers must be sent to the track in the State where the harness race was conducted.

Sec. B-20. 8 MRSA §1037, sub-§4, ¶F, as enacted by PL 2011, c. 358, §6, is amended to read:

F. An accounting of the Sire Stakes Fund, including the total amount of the fund at the beginning and end of the racing season and, reported separately, expenditures used to supplement purses, pay breeder promotional contracts, pay advertising costs, make payments to a statewide ~~horsemen~~ association of horse owners, trainers and drivers, pay administrative costs and make contributions to the operating account described in section 267-A.

Sec. B-21. 10 MRSA §3251, as amended by PL 2015, c. 56, §1, is further amended to read:

§3251. Lien established

~~Whoever~~ A person who performs labor or furnishes labor or materials, including repair parts of machines used, or performs services as a surveyor, an architect, a forester licensed under Title 32, chapter 76 or an engineer, or as a real estate licensee, or as an owner-renter,

1 owner-lessor, or owner-supplier of equipment used in erecting, altering, moving or
 2 repairing a house, building or appurtenances, including any public building erected or
 3 owned by any city, town, county, school district or other municipal corporation, or in
 4 constructing, altering or repairing a wharf or pier, or any building thereon, including the
 5 surveying, clearing, grading, draining, excavating or landscaping of the ground adjacent to
 6 and upon which any such objects are constructed, or in selling any interest in land,
 7 improvements or structures, by virtue of a contract with or by consent of the owner, has a
 8 lien thereon and on the land on which it stands and on any interest ~~such~~ the owner has in
 9 the same, to secure payment thereof, with costs. If the owner of the building has no legal
 10 interest in the land on which the building is erected or to which it is moved, the lien attaches
 11 to the building, and if the owner of the wharf or pier has no legal interest in the land on
 12 which the wharf or pier is erected, the lien attaches to the wharf or pier, and in either case
 13 may be enforced as provided. If the owner of ~~such~~ the land, building, wharf or pier, so
 14 contracting, is a minor ~~or married woman~~, ~~such~~ the lien exists and ~~such~~ that minority ~~or~~
 15 ~~coverture~~ does not bar a recovery in any proceeding brought to enforce it.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 17 number to read consecutively.

18 SUMMARY

19 This amendment removes from Part A, sections 10, 37 to 48, 59 to 62, 69, 80 and 81.
 20 The amendment amends Part A, section 23 by adding clarifying language describing orders
 21 of attachment. It adds a section correcting outdated, gender-specific language and outdated
 22 terminology in the Maine Revised Statutes, Title 5, section 81. It corrects outdated, gender-
 23 specific language in Title 8, sections 262 to 1037. It adds a section removing language
 24 describing married women in Title 10, section 3251.