

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SENATE

JOHN M. NUTTING, DISTRICT 17, CHAIR
MARGARET ROTUNDO, DISTRICT 16
ROGER L. SHERMAN, DISTRICT 34

JILL IPPOLITI, LEGISLATIVE ANALYST
MELISSA WRIGHT, COMMITTEE CLERK



HOUSE

WENDY PIEH, BREMEN, CHAIR
JACQUELINE A. LUNDEEN, MARS HILL
RAYMOND G. PINEAU, JAY
JOHN F. PIOTTI, UNITY
TIMOTHY A. CARTER, BETHEL
BENJAMIN M. PRATT, EDDINGTON
DONALD G. MAREAN, HOLLIS
PETER EDGECOMB, CARIBOU
DEAN A. CRAY, PALMYRA
JEFFERY A. GIFFORD, LINCOLN

STATE OF MAINE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

April 2, 2008

The Honorable Beth Edmonds
President of the Senate
The Honorable Glenn Cummings
Speaker of the House of Representatives
123rd Legislature
State House
Augusta, ME 04333

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Harness Racing Commission under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

Handwritten signature of John M. Nutting in black ink.

Senator John M. Nutting
Chair

Handwritten signature of Wendy Pieh in black ink.

Representative Wendy Pieh
Chair

cc: Henry Jackson, Executive Director, Maine Harness Racing Commission
Patrick Norton, Director, Office of Policy and Legal Analysis

Joint Standing Committee on Agriculture, Conservation and Forestry

Review of the Maine Harness Racing Commission under the Government Evaluation Act March 2008

The Government Evaluation Act

The Government Evaluation Act provides for a system of periodic review of the efficacy and performance of state government agencies (3 MRSA §951 et seq). The keystone of the Act is the agency's program evaluation report that consists of a number of components required by the statute. Essentially, the report is an agency self-assessment, which the committee of jurisdiction uses as a starting point for its evaluation of the agency's effectiveness, efficiency and performance.

Review Process

In May of 2007, the Joint Standing Committee on Agriculture, Conservation and Forestry notified the Maine Harness Racing Commission of its intent to review the commission pursuant to the schedule established in 3 MRSA, §959. The Commission submitted its program evaluation reports as requested in November of 2007.

On January 16, 2008, Henry Jackson, the Executive Director of the Maine Harness Racing Commission, gave an oral presentation of the report to the Agriculture, Conservation and Forestry Committee (ACF). On the same day, members of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry presented the study commission's report and recommendations. Three members of the ACF committee served on the legislative study commission.

A proposal to combine the administrative functions of the Harness Racing Commission and the Gambling Control Board surfaced during the legislative interim and offered another forum for discussing the commission's functions. A broad proposal to consolidate the oversight of state gaming and eliminate the board and commission first emerged as a savings proposal generated in a public response to "The Initiative" to Streamline State Government (PL 2007, c. 240, Part QQQ). The more modest proposal of combining administrative functions was included in the Governor's supplemental budget submitted as LD 2173.

In presenting its recommendations to the Joint Standing Committee on Appropriations and Financial Affairs (AFA), the ACF committee strongly urged AFA to reconsider its preliminary vote and reject any proposal to eliminate an Executive Director position and reorganize the administrative functions of the Maine Harness Racing Commission and the Gambling Control Board stating "The loss of experience and disruption to the harness racing industry by reorganization far outweigh the minor savings projected."

Findings and Recommendation

In conducting its review under the Government Evaluation Act, the ACF Committee benefited greatly from the final report of the study commission and from the knowledge of members who served on the study commission. Facing annual uncertainty over General Fund appropriations for the Maine State Harness Racing Commission, Representative Marean worked with the harness racing industry and interested parties to develop a proposal to fund the commission with revenue from slot-machine receipts that are earmarked for deposit into specific funds. The ACF committee endorsed this proposal and recommended its inclusion in the supplemental budget. It was ultimately enacted as Part G of Public Law 2007, chapter 539.

ACF had authority to report out legislation to the Second Regular Session under the Resolve that created the study commission (Resolve 2007, c. 128). The study recommendations pertaining to the Harness Racing Commission and its duties were endorsed by ACF and submitted to the full Legislature as a committee bill, LD 2184 An Act to Implement the Recommendations of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry. Recommendations for action by the harness racing commission that do not require statutory authority or directives are being communicated in a letter to the commission.

In concluding this report, the Joint Standing Committee on Agriculture, Conservation and Forestry would like to commend all involved in the harness racing commission who have willingly and responsibly offered solutions for funding the commission and accepted the regulation necessary to maintain the integrity and promote the expansion of the sport.