

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2149

7 S.P. 801

In Senate, February 29, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Referred to the Committee on Agriculture. Sent down for concurrence
and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Erwin of Oxford.

11 Cosponsors: Representative Michael of Auburn, Senator Charette of
Androscoggin and Representative Rolde of York.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT Relating to Changes in the
18 Composition and Functioning of the Harness
19 Racing Commission.
20

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

23 Sec. 1. 8 MRSA §261, as amended by PL 1983, c.
24 75, is repealed and the following enacted in its
25 place:

26 §261. Commission

27 1. Number of members. The State Harness Racing
28 Commission, as established, shall consist of 5 mem-
29 bers who shall be appointed by the Governor. Members
30 may be removed by the Governor for cause.

31 2. Review; confirmation. These gubernatorial
32 appointments shall be reviewed by the joint standing
33 committee of the Legislature having jurisdiction over

1 agriculture and are subject to confirmation by the
2 Legislature.

3 3. Geographic distribution. The members shall
4 be appointed to provide broad geographic representa-
5 tion.

6 4. Terms of office; vacancies; qualifica-
7 tions. Upon expiration for the terms of office of
8 the 3 existing commissioners confirmed in 1983, mem-
9 bers of the commission may serve 3-year terms, except
10 that initially one member shall serve for a term of
11 one year, 2 for a term of 2 years and 2 for a term of
12 3 years. Any vacancy shall be filled by appointment
13 for the unexpired term. Members shall serve until
14 their successors are appointed and qualified. So far
15 as practicable, they shall be persons interested in
16 the establishment and development of a Maine breed of
17 standard bred horses and no member may have any pecu-
18 niary interest in harness racing or the sale of
19 pari-mutuel pools licensed under this chapter.

20 Sec. 2. 8 MRSA §262, as amended by PL 1979, c.
21 731, §19, is further amended to read:

22 §262. Organization

23 The commissioners shall select one from their
24 number to be chairman of the commission. The Commis-
25 sioner of Agriculture, Food and Rural Resources or
26 his designee shall ex officio be secretary of the
27 commission but shall not be a voting member thereof.
28 ~~Two~~ Three of the members of the commission shall con-
29 stitute a quorum to do business. ~~It~~ The commission
30 shall meet at least monthly and it shall be the duty
31 of the secretary to keep a record of all proceedings
32 of the commission and to preserve all books, maps,
33 documents, papers and records entrusted to its care.

34 Sec. 3. 8 MRSA §279-B, last ¶, as repealed and
35 replaced by PL 1977, c. 694, §153, is amended to
36 read:

37 Any person aggrieved by any fine in excess of
38 \$100 or a suspension in excess of 10 days, imposed by
39 the commission, may seek judicial review pursuant to
40 the Maine Administrative Procedure Act Title 5, chap-
41 ter 375.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1984-85

AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF

State Harness Racing Commission

All Other	\$7,200
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STATEMENT OF FACT

The State Harness Racing Commission is charged with responsibility to regulate the sport and assign specific race dates to the various license applicants annually. A larger commission, with wider geographic representation, is essential to assure fair consideration for all license applicants. Sections 1 and 2 provide for 2 additional commissioners.

Section 3 limits appeal of penalties for rule infractions to fines of \$100 or more or to suspensions of 10 or more days in order to eliminate frivolous appeals. Appeals of some very minor penalties have proven to be very expensive and time consuming. The appropriation provides funding for additional per diem and travel for members of the commission.

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