

# MAINE STATE LEGISLATURE

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L.D. 1120

(Filing No. H- 162)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 790, L.D. 1120, Bill, "AN ACT to Clarify the Discretionary Authority of the Harness Racing Commission to License Pari-mutuel meets and Assign Racing Dates."

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 8 MRSA §271, as amended by PL 1983, c. 196, §§ 1 and 2, is repealed and the following enacted in its place:

§271. Issuance of licenses

1. Licensing. If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of racing dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools which shall expire on December 31st. The fee for the license shall be \$10 for each calendar week or part of a week of harness racing whether or not pari-mutuel pools are sold. The license shall set forth the name of the licensee, the place where the races or race meets are to be held and the specific dates and time of day or night during which racing may be conducted by the licensee. The location stated in the license where the race or race meet is to be held may be transferred to any

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1 other licensee on the dates set forth in the license  
2 during which the racing may be conducted, but, with  
3 respect to such a transfer, the transfer shall only  
4 be made to another licensee and the licensee shall be  
5 liable for compliance with all laws and regulations  
6 governing the conduct of harness racing. Any such  
7 license issued shall not be transferable or assigna-  
8 ble. The Administrative Court Judge, as designated  
9 in Title 4, chapter 25, may revoke any license issued  
10 at any time for violation of the commission's rules  
11 or licensing provisions upon notice and hearing. The  
12 license of any corporation shall be automatically re-  
13 voked, subject to Title 5, chapter 375, upon the  
14 change in ownership, legal or equitable, of 50% or  
15 more of the voting stock of the corporation and the  
16 corporation shall not hold a harness horse race or  
17 meet for public exhibition without a new license.

18 2. Criteria for date awards. In assigning dates  
19 to licensees, the commission shall consider the fol-  
20 lowing factors:

21 A. The revenues to be generated, consistent with  
22 the profitability and financial health of the li-  
23 icensee, for the General Fund pursuant to section  
24 275; the purse supplements pursuant to section  
25 275; the Sire Stakes Fund pursuant to section  
26 281; and the Stipend Fund pursuant to Title 7,  
27 section 62;

28 B. The quality of race programming and facili-  
29 ties offered and to be offered by the licensee  
30 and the suitability of the applicant's racing fa-  
31 ilities for operation at the season for which  
32 the dates are requested;

33 C. The necessity of having and maintaining prop-  
34 er physical facilities for racing meetings; and  
35 consequently, to insure the continuance of the  
36 facilities, the quality of the licensee's mainte-  
37 nance of its track and plant, the adequacy of its  
38 provisions for rehabilitation and capital im-

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- 1           provements and the necessity of fair treatment of  
2           the economic interests and investments of those  
3           who, in good faith, have provided and maintained  
4           racing facilities;
- 5           D. The desirability of reasonable consistency in  
6           the pattern of date assignments from year to  
7           year;
- 8           E. With respect to agricultural societies seek-  
9           ing licenses to conduct harness racing meets at  
10          the time of their annual fairs, the scheduling of  
11          agricultural fairs determined by the Commissioner  
12          of Agriculture, Food and Rural Resources pursuant  
13          to Title 7, section 65 and 65-A;
- 14          F. The preservation of a diversity of harness  
15          racing tracks in the State;
- 16          G. The quality of the licensee's observance and  
17          enforcement of this chapter and the rules promul-  
18          gated pursuant to this chapter during the past  
19          year;
- 20          H. The extent to which the licensee fully uti-  
21          lized racing dates granted to it for the past  
22          year;
- 23          I. The personnel and resources available to the  
24          commission for the enforcement of this chapter  
25          and the rules promulgated pursuant to this chap-  
26          ter;
- 27          J. The likely availability of race-worthy horses  
28          throughout the year; and
- 29          K. Such other criteria consistent with the bet-  
30          terment of harness racing and the public health,  
31          safety and welfare as the commission may estab-  
32          lish by rule.
- 33          3. Overlapping race dates. The commission shall

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1 not award overlapping race dates for extended meets  
2 to licensees which are within 50 mile of each other,  
3 except that the commission may upon request by the  
4 Commissioner of Agriculture, Food and Rural Resources  
5 authorize up to 8 trial overlapping race dates for  
6 extended meets in 1986 or 1987 following a thorough  
7 study by the commissioner of the impact of overlap-  
8 ping race dates showing the feasibility of concurrent  
9 racing.

10 4. Evaluation. The Commissioner of Agriculture,  
11 Food and Rural Resources shall thoroughly evaluate  
12 the effects of concurrent racing in Maine, including  
13 a survey and analysis of racing patrons, during April  
14 and May of 1986. The commissioner shall report his  
15 findings and recommendations to the Joint Standing  
16 Committee on Agriculture for legislative action prior  
17 to July 1, 1986.'

18 STATEMENT OF FACT

19 The purpose of this amendment is to restrict new  
20 concurrent racing to a trial period following an  
21 evaluation of its impact on economic health of the  
22 industry. The amendment also removes language from  
23 the bill redefining the authority of the commission  
24 to set the number of exotic wagers on racing days.

25 3581050985

Reported by the Majority of the Committee on Agriculture  
Reproduced and distributed under the direction of the  
Clerk of the House

5/20/85

(Filing No. H-162)