

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1120  
6

7 H.P. 790

House of Representatives, March 26, 1985

8 Submitted by the Department of Agriculture, Food and Rural Resources  
pursuant to Joint Rule 24.

9 Reference to the Committee on Agriculture suggested and ordered  
10 printed.

EDWIN H. PERT, Clerk

Presented by Representative McCollister of Canton.

11 Cosponsored by Representative Daggett of Manchester, Representative  
Tardy of Palmyra and Representative Parent of Benton.

12 STATE OF MAINE  
13

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

17 AN ACT to Clarify the Discretionary Authority  
18 of the Harness Racing Commission to  
19 License Pari-mutuel meets and Assign  
20 Racing Dates.  
21

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

24 Sec. 1. 8 MRSA §270, sub-§4-A is enacted to  
25 read:

26 4-A. Requested dates. The dates and time of day  
27 or night on which it is desired to conduct or hold  
28 racers or race meets;

29 Sec. 2. 8 MRSA §271, as amended by PL 1983, c.  
30 196, §§1 and 2, is repealed and the following enacted  
31 in its place:

32 §271. Issuance of licenses

1           1. Licensing. If the commission is satisfied  
2 that all of this chapter and the rules prescribed by  
3 the commission have been substantially complied with  
4 during the past year and will be fully complied with  
5 during the coming year by the person, association or  
6 corporation applying for a license; that the appli-  
7 cant, its members, directors, officers, shareholders,  
8 employees, creditors and associates are of good moral  
9 character; that the applicant is financially respon-  
10 sible; and that the award of racing dates to the ap-  
11 plicant is appropriate under the criteria contained  
12 in subsection 2, it may issue a license for the hold-  
13 ing of harness horse races or meets for public exhibi-  
14 tion with pari-mutuel pools which shall expire on  
15 the 31st day of December. The fee for the license  
16 shall be \$10 for each calendar week or part of a week  
17 of harness racing whether or not pari-mutuel pools  
18 are sold. The license shall set forth the name of the  
19 licensee, the place where the races or race meets are  
20 to be held and the specific dates and time of day or  
21 night during which racing may be conducted by the li-  
22 cencee. The location stated in the license where the  
23 race or race meet is to be held may be transferred to  
24 any other licensee on the dates set forth in the li-  
25 cence during which the racing can be conducted, but  
26 with respect to such a transfer, the transfer shall  
27 only be made to another licensee and the licensee  
28 shall be liable for compliance with all laws and reg-  
29 ulations governing the conduct of harness racing. Any  
30 such license issued shall not be transferable or as-  
31 signable. The Administrative Court Judge, as desig-  
32 nated in Title 4, chapter 25, shall have power to re-  
33 voke any license issued at any time for violation of  
34 the commission's rules or licensing provisions upon  
35 notice and hearing. The license of any corporation  
36 shall be automatically revoked, subject to the provi-  
37 sions of Title 5, chapter 375 upon the change in own-  
38 ership, legal or equitable, of 50% or more of the  
39 voting stock of the corporation and the corporation  
40 shall not hold a harness horse race or meet for pub-  
41 lic exhibition without a new license.

42           2. Criteria for date awards. In assigning dates  
43 to licensees, the commission shall consider the fol-  
44 lowing factors:

- 1           A. The revenues generated and to be generated to  
2           the General Fund pursuant to section 275; the  
3           purse supplements pursuant to section 275; the  
4           Sire Stakes Fund pursuant to section 281; and  
5           the Stipend Fund pursuant to Title 7, section 62;
- 6           B. The quality of race programming and facili-  
7           ties offered and to be offered by the licensee;
- 8           C. With respect to extended meets, the desir-  
9           ability of consistency in the pattern of date as-  
10           signments from year to year;
- 11           D. With respect to agricultural societies seek-  
12           ing licenses to conduct harness racing meets at  
13           the time of their annual fairs, the scheduling of  
14           agricultural fairs determined by the Commissioner  
15           of Agriculture, Food and Rural Resources pursuant  
16           to Title 7, sections 65 and 65-A;
- 17           E. The commission shall not award overlapping  
18           race dates to extended meets unless it determines  
19           that the likely benefits of the scheduling to the  
20           funds indentified in paragraph A, and the quality  
21           of harness racing in the State outweigh the po-  
22           tential adverse effects of that scheduling on any  
23           or all of the individual licensees permitted to  
24           conduct overlapping extended meets;
- 25           F. The preservation of a diversity of harness  
26           racing tracks in the State;
- 27           G. The likely availability of race-worthy horses  
28           throughout the year;
- 29           H. The quality of the licensee's observance and  
30           enforcement of this chapter, and the rules  
31           promulgated pursuant to this chapter, during the  
32           past year;
- 33           I. The extent to which the licensee fully uti-  
34           lized racing dates granted to it for the past  
35           year;
- 36           J. The personnel and resources available to the  
37           commission for the enforcement of this chapter  
38           and the rules promulgated pursuant to this chap-  
39           ter; and

1           K. Such other criteria consistent with the bet-  
2           terment of harness racing, the maximization of  
3           the funds and revenues identified in paragraph A,  
4           and the public health, safety and welfare as the  
5           commission may establish by rule.

6           3. Exotic wagers. The number of exotic wagers  
7           in any day of racing shall be determined by the com-  
8           mission.

9           Sec. 3. 8 MRSA §274, sub-§2, ¶B, as enacted by  
10          PL 1981, c. 705, Pt. Q, §2, is amended to read:

11           B. From the next \$55,000 of the total amount,  
12           regardless of when actually collected, 75% shall  
13           be paid and returned by the end of each calendar  
14           year to those persons, associations and corpora-  
15           tions which during that calendar year conducted  
16           an extended meet pursuant to a license granted by  
17           the commission as provided in section 271. As  
18           used in this ~~section~~ chapter, the term "extended  
19           meet" means any series of harness horse races,  
20           except harness horse races conducted by an agri-  
21           cultural society at the time of its annual fair.  
22           This payment shall be divided in the proportion  
23           that the contributions of regular and exotic  
24           wagers to pari-mutuel pools made or conducted at  
25           the extended meets of each licensee during that  
26           calendar year bear to the total contributions of  
27           regular and exotic wagers to pari-mutuel pools  
28           made or conducted at the extended meets of all  
29           licensees during that calendar year. Licensees  
30           sharing in this distribution shall use 1/2 of the  
31           funds so received for the purpose of supplement-  
32           ing purse money.

33           The remaining 25% shall be credited to the Sti-  
34           pend Fund, provided in Title 7, section 62.

35           Sec. 4. 8 MRSA §275, 2nd ¶, as amended by PL  
36          1977, c. 564, §40, is further amended to read:

37           A sum equal to 1% of the total contributions on  
38           regular wagers and a sum equal to 1% of the total  
39           contributions on exotic wagers on all pari-mutuel  
40           pools conducted or made at any race or race meet li-  
41           censed under this chapter shall be paid and returned

1 to the licensees for the purpose of supplementing  
2 purse money. A sum equal to 1 1/2% of the total con-  
3 tributions on exotic wagers on all pari-mutuel pools  
4 conducted or made at any race or race meet licensed  
5 under this chapter shall be retained by the licensee  
6 and shall be added to purse money. This sum shall be  
7 divided equally among the licensees in the proportion  
8 that the number of racing days of a licensee granted  
9 by the commission and actually raced bears to the to-  
10 tal number of racing days granted in any one year by  
11 the commission and actually raced by all licensees.  
12 Payments shall be made to said licensees by the end  
13 of the calendar year.

14 Sec. 5. 8 MRSA §279, as amended by PL 1969, c.  
15 526, §4, is further amended to read:

16 §279. Supervision; investigations

17 The commission shall have the power and authority  
18 to regulate, supervise and check the making of  
19 pari-mutuel pools and the distribution therefrom.  
20 ~~Said~~ The commission shall have the power and authori-  
21 ty to investigate as to the direct and indirect own-  
22 ership and control of any licensee and any expense  
23 incurred by the commission in so doing shall be at  
24 the expense of such licensee or of the applicant for  
25 a license. ~~Said~~ The commission shall have the power  
26 and authority to supervise and regulate all medica-  
27 tion administered to horses entered to race. Such su-  
28 pervision is to include taking such specimens of body  
29 fluids as are deemed proper and necessary by an em-  
30 ployee of the commission who shall be a veterinarian  
31 licensed to practice veterinary medicine within the  
32 State of Maine.

33 The commission may investigate any suspected vio-  
34 lation of this chapter or the rules promulgated pur-  
35 suant to this chapter. In connection with any such  
36 investigation, the commission shall have the power to  
37 conduct hearings, subpoena and examine under oath all  
38 persons, associations and corporations whose activi-  
39 ties are subject to the jurisdiction of the commis-  
40 sion or from whom the commission may need information  
41 in order to carry out the purposes of this chapter,  
42 and their officers, agents and representatives, to-  
43 gether with their records, books and accounts. Any

1 member of the commission, or the secretary of the  
2 commission, may sign subpoenas and administer oaths  
3 to witnesses.

4 STATEMENT OF FACT

5 This bill confirms and amplifies upon the author-  
6 ity of the Maine State Harness Racing Commission to  
7 award racing dates to qualified applicants under ex-  
8 isting law. The bill lists the criteria by which  
9 racing dates are to be assigned and specifically in-  
10 cludes among them guidelines for the scheduling of  
11 overlapping race meets at the State's major tracks.

12 The bill also changes the calculation of the an-  
13 nual 1% purse money supplement from a days-granted to  
14 a days-raced basis and grants the commission subpoena  
15 power to investigate suspected violations of the rac-  
16 ing laws and rules.

17 The bill will not incur any additional expense to  
18 the State.

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