

MAINE STATE LEGISLATURE

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L.D. 292
(Filing No. H- 221)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 212, L.D. 292, Bill, "An Act to Establish Harness Racing and Fair Dates for Multiple Years"

Amend the bill by striking out the title and inserting in its place the following:

'An Act to Improve the Regulation of Harness Racing'

Further amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is the intent of the Legislature that the amended licensure procedures should apply to the 1989 racing season; and

Whereas, nonemergency bills will not take effect until after the start of the 1989 racing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §10051, sub-§1, as amended by PL 1987, c. 141, Pt. B. §3, is further amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 29; and Title 35-A, section 3132, the Administrative Court shall have

1 exclusive jurisdiction upon complaint of any agency or, if the
2 licensing agency fails or refuses to act within a reasonable
3 time, upon complaint of the Attorney General to revoke or suspend
4 licenses issued by the agency and shall have original
5 jurisdiction upon complaint of an agency to determine whether
6 renewal or reissuance of a license of that agency may be refused.

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8 **Sec. 2. 8 MRSA §271, sub-§3,** as enacted by PL 1985, c. 444,
9 §2, is amended to read:

11 3. **Overlapping race dates.** The commission shall not award
12 overlapping race dates for extended meets to licensees which are
13 within 50 miles of each other without the approval of ~~2/3~~ 60% or
14 more of the entire commission, ~~except that a majority of the~~
15 ~~commission upon request by the Commissioner of Agriculture, Feed~~
16 ~~and Rural Resources may award up to 8 trial overlapping race~~
17 ~~dates during 1986 following an evaluation by the commissioner of~~
18 ~~the impact of overlapping race dates.~~

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20 **Sec. 3. 8 MRSA §279-B,** as repealed and replaced by PL 1977,
21 c. 694, §153, is amended to read:

22 **§279-B. Fines, suspensions and revocations**

23 In order to enforce the rules and ~~regulations~~
24 referred to in section 279-A, the commission is
25 authorized to establish a schedule for fines not to
26 exceed \$100 for each violation of the rules and
27 regulations. The commission is authorized to levy a
28 fine, after notice and hearing, for each violation of
29 the rules and ~~regulations~~.

30

31 The commission is further authorized to establish
32 a schedule of suspensions of licenses and may levy
33 suspensions for each violation of the rules and
34 regulations.

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36 Any person aggrieved by any fine or suspension
37 imposed by the commission may seek judicial review
38 pursuant to the Maine Administrative Procedure Act,
39 Title 5, chapter 375.

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41 **Emergency clause.** In view of the emergency cited
42 in the preamble, this Act shall take effect when
43 approved.'

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STATEMENT OF FACT

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The committee amendment deletes the original bill, but retains the intention found in section 3 of the bill to provide the Harness Racing Commission with the authority to suspend licenses. Section 1 of the amendment provides an exemption for the Harness Racing Commission from the Administrative Court's exclusive jurisdiction to revoke or suspend licenses issued by an agency. Section 3 of the amendment gives the Harness Racing Commission the authority to levy suspensions.

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Section 2 of the amendment reduces the number of votes required for the 5-member commission to approve concurrent racing dates for licensees and deletes language which applies to actions permitted only during 1986. The amendment adds an emergency preamble and emergency clause.

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Reported by the Committee on Agriculture
Reproduced and distributed under the direction of the Clerk of the
House
5/17/89

(Filing No. H-221)