

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 632

H.P. 467

House of Representatives, March 6, 1989

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

Cosponsored by Representative KETOVER of Portland, Senator ANDREWS of Cumberland and Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Amend the Issuance of Harness Racing Licenses and
Assignment of Racing Weeks.**



1 **Be it enacted by the People of the State of Maine as follows:**

3 **8 MRSA §271, as enacted by PL 1985, c. 444, §2, is repealed**
and the following enacted in its place:

5 **§271. Issuance of licenses**

7
9 **1. Licensing. A person may apply to the commission for a**
11 **license to hold harness horse races or meets for public**
13 **exhibition with pari-mutuel pools. If the commission determines**
that the applicant has substantially complied with and will
substantially comply with this chapter and the rules adopted
under it, the commission shall issue the license.

15 **A. The license is valid for one year, and is automatically**
17 **renewed each year unless the commission receives a petition**
for modification under subsection 7.

19 **B. The license fee is \$260.**

21 **C. The license must set forth the name of the licensee, the**
23 **place where the races or race meets are to be held and the**
25 **specific dates and hours during which the licensee may**
conduct racing.

27 **2. Location. The right to hold races or race meets at the**
29 **location stated in the license may be transferred to any other**
31 **licensee on the dates set forth in the license during which the**
33 **racing may be conducted. The transfer of location may be made**
35 **only to another licensee and that licensee is liable for**
compliance with all laws and rules governing the conduct of
harness racing.

37 **3. License not transferable. The license is not**
39 **transferable or assignable.**

41 **4. Revocation for violation. The Administrative Court may**
43 **revoke any license for violation of the commission's rules or**
45 **licensing provisions upon notice and hearing according to Title**
47 **5, chapter 375.**

49 **5. Automatic revocation if change in ownership. The**
51 **license of any corporation shall be automatically revoked,**
subject to Title 5, chapter 375, subchapter VI, upon the change
in ownership, legal or equitable, of 50% or more of the voting
stock of the corporation and the corporation shall not hold a
harness horse race or meet for public exhibition without a new
license.

6. Race date assignments. The commission shall assign
dates for racing according to the following.

1 A. Except as provided in paragraph B, the commission may
2 assign race dates throughout the year. The commission shall
3 indicate the dates assigned on the license.

4 B. The following restrictions apply to race dates assigned
5 to licensees which conduct races or race meets within 50
6 miles of each other.

7 (1) The licensees shall not conduct races or race
8 meets during the same week unless agreed upon by both
9 licensees or by a majority vote of the commission at
10 the request of any one licensee.

11 (2) Except as provided in subparagraph (3), the
12 commission shall assign each licensee an equal number
13 of weeks of racing per year unless the commission finds
14 by clear and convincing evidence that the award of an
15 equal number of weeks of racing:

16 (a) Will substantially affect and damage the
17 revenues to be generated to:

18 (i) The General Fund under section 275;

19 (ii) The purse supplement under section 275;

20 (iii) The Sire Stakes Fund under section
21 281; or

22 (iv) The Stipend Fund under Title 7, section
23 62;

24 (b) Will substantially affect the quality and
25 quantity of racing opportunities and programming
26 available in the State;

27 (c) Is not justified due to substantial and
28 repeated violations of rules or this chapter; or

29 (d) Is not appropriate due to any other
30 circumstances of an emergency or unforeseen nature
31 which justify a modification of the assignment of
32 weeks.

33 (3) The commission may impose reasonable restrictions
34 on any license to allow agricultural fairs to hold
35 races or race meets within 50 miles of another licensee.

36 7. Petition for modification. Any person may petition the
37 commission for modification of a license by the following
38 procedures.

1 A. To request that the commission modify a license,
3 including racing dates, a person shall file a petition with
5 the commission by September 1st of the year before the
proposed modification will be effective. The petition must
contain specific information supporting the modification.

7 B. The commission shall hold a hearing on the petition as
9 soon as possible after it is filed in accordance with Title
5, chapter 375.

11 C. The commission shall issue its final decision in writing
13 by November 1st of the year the petition was filed.

15 **STATEMENT OF FACT**

17 This bill revises the licensing procedure and restrictions
19 for harness racing. The Harness Racing Commission must issue the
21 license if it determines that the applicant has in the past
23 complied with, and in the future will comply with, the applicable
25 laws and rules. The license fee is revised from \$10 for each
week of racing to \$260 for the year. The license is
automatically renewed each year unless the commission receives a
petition to modify the license in any way. Other provisions of
current law are retained.

27 This bill allows licensees to conduct harness racing anytime
29 during the year, unless licensees are within 50 miles of each
31 other. In that case, the licensees cannot conduct racing during
33 the same week unless they both agree or unless a majority of the
35 commission approves. These licensees can conduct racing an equal
37 number of weeks. The commission can refuse to allow an equal
39 number of weeks of racing if the commission determines that an
equal number of weeks will generate lower revenues, an equal
number of weeks will substantially affect the quality and
quantity of racing opportunities and programming, a licensee has
been involved in substantial and repeated law or rule violations
or any other reasons that could not have been taken into account
when the license was issued.

41 A person may petition the commission to modify a license by
43 filing a petition by September 1st before the next racing year.
45 The commission shall hold a hearing on the petition and must
issue its written decision by November 1st.

47 The bill specifically allows the commission to accommodate
agricultural fairs, even if they are within 50 miles of another
licensee.