

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2412

H.P. 1749

House of Representatives, March 8, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Agriculture suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Provide for a Study of the Harness Racing Industry.

(AFTER DEADLINE)

(EMERGENCY)



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

4
Whereas, it is necessary to enact this legislation as an
6 emergency measure in order that the Commission to Study the
Harness Racing Industry may complete its study so that any
8 recommendations may be implemented in a timely manner; and

10
Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
14 safety; now, therefore,

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

18 **PART A**

20 **Sec. A-1. 8 MRSA §274, sub-§2**, as amended by PL 1987, c. 759,
§3, is further amended by amending the first paragraph to read:

22
2. **Payment to Treasurer of State.** Each person, association
24 or corporation licensed to conduct a race or race meet under this
chapter shall pay to the Treasurer of State a sum equal to 1.203%
26 of the total contributions of regular wagers and 1.18% of the
total contributions of exotic wagers to all pari-mutuel pools
28 conducted or made at any race or race meet licensed under this
chapter. Notwithstanding other provisions of this subsection,
30 the Treasurer of State shall credit \$4,134 of the amount received
under this subsection in fiscal year 1989-90 to the Legislative
32 Account to provide funding for a study of the harness racing
industry. The Treasurer of State shall credit .073% of the total
34 contributions of regular wagers and .050% of the total
contributions of exotic wagers to all pari-mutuel pools, to the
36 ~~stipend-fund~~ Stipend Fund provided by Title 7, section 62, and
shall distribute the balance in the following manner.

38
40 **Sec. A-2. 8 MRSA §274, sub-§3**, as amended by PL 1987, c. 759,
§4, is further amended to read:

42
3. **Payment to commission.** A sum equal to 1.566% of the
total contributions on exotic wagers and a sum equal to .073% of
44 the total contributions on regular wagers ~~shall~~ must be paid to
the commission to be credited to the Sire Stakes Fund, provided
46 in section 281. Notwithstanding other provisions of this
subsection, the commission shall credit \$4,133 of the amount
48 received under this subsection in fiscal year 1989-90 to the
Legislative Account to provide funding for a study of the harness
50 racing industry.

2 **Sec. A-3. 8 MRSA §275, 2nd ¶**, as amended by PL 1987, c. 759,
3 **§6**, is further amended to read:

4 A sum equal to 1% of the total contributions on regular
5 wagers and a sum equal to 1% of the total contributions on exotic
6 wagers on all pari-mutuel pools conducted or made at any race or
7 race meet licensed under this chapter shall must be paid and
8 returned to the licensees for the purpose of supplementing purse
9 money. This sum shall must be divided equally among the licensees
10 in the proportion that the number of racing days of a licensee
11 granted by the commission and actually raced bears to the total
12 number of racing days granted in any one year by the commission
13 and actually raced by licensees. Payments shall ~~be~~ are made to
14 said these licensees by the end of the calendar year. A sum
15 equal to 1.797% of the total contributions on exotic wagers and
16 .348% of the total contributions on regular wagers on all
17 pari-mutuel pools conducted or made at any race or race meet
18 licensed under this chapter shall must be retained by the
19 licensee and added to purse money. Notwithstanding other
20 provisions of this section, the Treasurer of State shall credit
21 \$4,133 of the amount received under this section in fiscal year
22 1989-90 to the Legislative Account to provide funding for a study
23 of the harness racing industry.

24
25 **PART B**

26
27 **Sec. B-1. Commission established.** The Commission to Study the
28 Harness Racing Industry is established.

29 **Sec. B-2. Commission membership.** The commission consists of
30 11 members: 2 members of the Senate appointed by the President
31 of the Senate; 4 members of the House of Representatives
32 appointed by the Speaker of the House of Representatives; one
33 member representing the Maine Association of Agricultural Fairs;
34 one driver, one trainer and one breeder of harness racing horses;
35 and one member representing the public. Three of the 6
36 legislative appointments must be members of the Joint Standing
37 Committee on Agriculture. The Governor shall appoint the
38 nonlegislative members who must represent geographically diverse
39 areas of the State.
40

41 **Sec. B-3. Appointments; meetings; chair.** All appointments must
42 be made no later than 30 days following the effective date of
43 this Act. The appointing authorities shall notify the Executive
44 Director of the Legislative Council upon making their
45 appointments. The Chair of the Legislative Council shall call
46 the first meeting of the commission no later than May 15, 1990.
47 The commission shall select a legislative member as chair.
48

49 **Sec. B-4. Duties.** The commission shall undertake a study of
50 the harness racing industry with the goal of ensuring the

integrity of that industry. As part of this study, the
commission shall:

1. Determine whether the harness racing industry is a viable industry and determine the amount of income, if any, it produces for the State;

2. Review the regulation of the harness racing industry and recommend appropriate changes;

3. Examine the role and duties of the State Harness Racing Commission and recommend appropriate changes to strengthen and support that commission;

4. Examine the laws and rules governing the industry with a goal of establishing better enforcement mechanisms for violations of the laws or rules;

5. Investigate the ability of industry participants to earn a living and examine the need to establish a list of rights and due process procedures that may not be denied to horse owners, trainers, drivers and grooms while participating in a meet; and

6. Examine and make recommendations on any issue that threatens the integrity and stability of the industry including, but not limited to, the following:

A. The need to develop improved methods of drug testing and oversight of drug use in the industry, including possible roles for the University of Maine;

B. The role of the Attorney General in regulating the industry;

C. The establishment of racing date schedules for more than one year at a time;

D. The disbursement of pari-mutuel pools under existing law;

E. The regulation of qualifying times; and

F. The adequacy of current fee structures in the industry.

Sec. B-5. Report. The commission shall complete its meetings by October 1, 1990, and submit its report, together with any necessary implementing legislation, to the First Regular Session of the 115th Legislature by November 1, 1990.

Sec. B-6. Staff assistance. The commission shall request from the Legislative Council sufficient staff assistance to carry out these duties. The Attorney General shall provide assistance as requested by the commission.

2 **Sec. B-7. Reimbursement.** Legislative members of the
3 commission are entitled to per diem and expenses. Nonlegislative
4 members are entitled to reimbursement for expenses upon
5 application to the Legislative Council.

6
7 **Sec. B-8. Allocation.** The following funds are allocated from
8 Other Special Revenue to carry out the purposes of this Act.

10 **1989-90**

12 **LEGISLATURE**

14 **Commission to Study the Harness**
15 **Racing Industry**

16	Personal Services	\$3,300
18	All Other	9,100

20 Provides funds for the travel, printing,
21 contractual services and expenses of the
22 Commission to Study the Harness Racing
23 Industry.

24 **LEGISLATURE**

26 **TOTAL** \$12,400

28 **Emergency clause.** In view of the emergency cited in the
29 preamble, this Act takes effect when approved.

30

32 **FISCAL NOTE**

34 Enactment of this legislation would allocate Other Special
35 Revenue derived from the Stipend Fund, the Sire Stakes Fund, and
36 supplemental purse money to the Legislature. This allocation
37 would provide funds for anticipated expenses of the Commission to
38 Study the Harness Racing Industry.

40

42 **STATEMENT OF FACT**

44 This bill creates the Commission to Study the Harness Racing
45 Industry and provides funding for the study from industry
46 contributions to various dedicated funds.

47

48 The commission consists of 11 members with 6 Legislators, a
49 representative of the Maine Association of Agricultural Fairs, a
50 driver, a trainer and a breeder of harness racing horses and a
51 public member. Legislators are appointed by the President of the
52 Senate and the Speaker of the House of Representatives;
nonlegislative members are appointed by the Governor.

2 The commission is charged with a complete examination of the
harness racing industry including the regulation of the industry,
4 the role of the State Harness Racing Commission, the need to
clarify rules and improve their enforcement, the rights and due
6 process afforded industry participants and the process for
assigning racing dates. The Attorney General is directed to
8 provide assistance as requested.