

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1958

H.P. 1373

House of Representatives, June 26, 1991

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.

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

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.
Cosponsored by Representative NUTTING of Leeds.

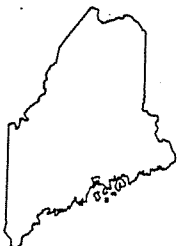
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Regarding Simulcasting of Harness Racing.

(AFTER DEADLINE)

(EMERGENCY)



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

4
6 **Whereas,** statutory changes governing harness racing need to
be enacted for this harness racing season, which will be underway
before the expiration of the 90-day period; and

8
10 **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
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 8 MRSA §268,** as amended by PL 1989, c. 882, is
18 further amended by adding after the 2nd paragraph the following:

20 The commission may proceed under the emergency rule-making
22 provisions of Title 5, section 8054, without making findings of
emergency when the only changes to be made are regarding the
24 number of simulcast races on the same day as any regular track
meeting.

26 **Sec. 2. 8 MRSA §268,** as amended by PL 1989, c. 882, is
28 further amended by adding at the end the following:

30 The commission may adopt rules allowing interstate
simulcasting at a licensee's race track during any regular
meeting.

32 **Sec. 3. Retroactivity.** Section 2 of this Act is retroactive to
34 July 14, 1990.

36 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved unless otherwise
38 indicated.

40
42 **STATEMENT OF FACT**

44 This bill provides that the Harness Racing Commission may
proceed under the emergency rule-making procedures of the Maine
46 Administrative Procedure Act without finding that an emergency
exists if the only rule changes are regarding the number of
48 simulcast races that may be broadcast by a licensee on the same
day as a regular track meeting. That authority is limited to
this racing year. After January 1, 1992, the commission must
50 follow the usual rule-making procedures unless an actual

2 emergency exists. This change allows the commission to
accommodate this year's tourist season. The Maine Milk
4 Commission has similar emergency rule-making authority to deal
with immediate but not technically emergency matters.

6 The bill also restores to the Harness Racing Commission
general rule-making powers regarding simulcasting. The general
8 language was deleted from the law when the language regarding
simulcasting of entire racing cards was enacted by the 114th
10 Legislature. The bill makes the language restoring the
rule-making powers retroactive to the date when they were
12 accidentally repealed.