

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1243, L.D. 1670, Bill, "An Act to Amend the Harness Racing Laws"

Amend the amendment by inserting after the title the following:

'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, this legislation affects off-track betting and simulcasting of horse races, which affect live harness racing in the State; and

Whereas, the live harness racing season begins in Maine before the end of the 90-day period following adjournment; 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 amendment in the first paragraph after the title in the first line (page 1, line 22 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

SENATE AMENDMENT

RdS.

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1243,
L.D. 1670

Further amend the amendment by inserting after section 2 the following:

'Sec. 3. 8 MRSA §275-D, sub-§2-B is enacted to read:

2-B. Application process. The commission shall:

A. Establish a deadline for the submission of applications for an off-track betting license and shall publish a notice of the deadline in those newspapers designated by the Secretary of State pursuant to Title 5, section 8053, subsection 5, paragraph B; and

B. Award a license within 60 days of the deadline for submitting an application for the operation of an off-track betting facility.'

Further amend the amendment in section 3 in subsection 3 in the 11th and 12th lines (page 2, lines 50 and 51 in amendment) by striking out the following: "based on adverse impact to the commercial track" and inserting in its place the following: '~~based-on-adverse-impact-to-the-commercial-track~~'

Further amend the amendment in section 4 in subsection 6-B by striking out all of the first sentence (page 3, lines 42 and 43 in amendment)

Further amend the amendment in section 4 in subsection 6-B by inserting at the end the following:

'At least 30 days but not more than 60 days prior to the expiration of a license to conduct pari-mutuel wagering at an off-track betting facility, the commission shall hold a public hearing to determine whether to renew the license. The commission shall renew the license for a period of one year unless it finds by clear and convincing evidence that:

A. The operation of the off-track betting facility has had a serious detrimental effect on live racing;

B. The licensee of the off-track betting facility has been convicted of a felony; or

C. The operation of the off-track betting facility has had a serious detrimental effect on the public interest.

The provisions of subsections 2 to 6 do not apply to renewal licenses.'

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1243,
L.D. 1670

Further amend the amendment by inserting after section 6 the following:

'Sec. 7. 8 MRSA §275-D, sub-§10 is enacted to read:

10. License suspension; revocation. The commission may suspend or revoke an off-track betting facility license after notice and hearing, in accordance with the Maine Administrative Procedure Act, for violation of any provision of this section by an off-track betting licensee.

Sec. 8. 8 MRSA §275-H, sub-§3, ¶D is enacted to read:

D. Ten percent of the revenue credited to the General Fund under this section and attributable to this excess must remain in the General Fund, except that if the handle for any calendar year exceeds \$52,000,000 the funds attributable to wagered amounts in excess of \$52,000,000 that would otherwise be deposited in the General Fund under this paragraph must be deposited in a dedicated nonlapsing account to be used by the commission to carry out its functions.'

Further amend the amendment by inserting after section 10 the following:

'Sec. 11. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Harness Racing Commission

Positions	(1.0)
Personal Services	\$42,363
All Other	30,000

Provides for the allocation of funds to upgrade an existing 39-week seasonal part-time Clerk Typist II position funded through the General Fund to permanent full-time status, to authorize one Administrative Assistant position and to cover increased operational costs.

DEPARTMENT OF AGRICULTURE, FOOD
AND RURAL RESOURCES
TOTAL

\$72,363

2

4

6

8

10

12

14

16

18

20

24

26

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1243,
L.D. 1670

The State Harness Racing Commission will incur some minor additional costs to provide certain required public notices and to hold certain required public hearings. These costs can be absorbed within the commission's existing budgeted resources.' '

STATEMENT OF FACT

This amendment incorporates the changes made by House Amendment "E" to Committee Amendment "A", except that this amendment restores the original law with respect to the radius within which an existing off-track betting facility licensee's right to object to a new off-track betting facility applies.

SPONSORED BY:

(Senator HANDY)

COUNTY: Androscoggin